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**TRANSCRIPT  
MAY 17, 2006**

**MONTGOMERY COUNTY COUNCIL**

**PRESENT**

George Leventhal, President	Marilyn J. Praisner, Vice President
Phil Andrews	Howard Denis
Nancy Floreen	Michael Knapp
Thomas Perez	Steven A. Silverman
	Michael Subin

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Council President Leventhal,  
Council is in session. This morning we will talk about grants, taxes, and Seven Locks.  
We've saved the best for last, and we have... Oh, let's do the Consent Calendar first.

Councilmember Praisner,  
I'll move approval of the Consent Calendar.

Council President Leventhal,  
I'm sorry, hold on, we need to go through, these are the taxes and fees, so we can't.  
Yeah, I thought we would do grants first, because...

Multiple Speakers,  
[INAUDIBLE]

Council President Leventhal,  
Yeah, these are action items, there not really Consent Calendar. Okay, let me just make a couple of comments about community grants and discuss what we're going to be doing for the next several minutes. First of all we've had over the last few years a lot of conversation about the best mechanism for supporting the worthy activities done in the community by non-profit groups. There's a long and good tradition of this County government being generous, and recognizing the changing demographics and changing social needs in our community, And questions had been raised in the last few years about whether all community groups that are doing good work had an equal and fair opportunity to come before the Council and request funding. And what we tried to do over the last couple of years is provide a clear set of guidelines that any community group can follow, regardless of how well known that group is, entering into the process. And so we've posted on the internet guidelines, we've posted an application, we've provided a clear deadline for applications, and we have held workshops to explain as best we can, to groups what are the opportunities for County Government funding. And not surprisingly, the number of applications we've received has exploded which has very positive aspects and some difficult aspects for those of us who need to administer the process. On the positive side, all of us here elected policy makers have learned a great deal about groups that otherwise we might not have encountered, and we've learned about needs in our community that otherwise might not have been highlighted for us. And I believe that a number of groups that prior had not really navigated the Council funding process successfully have had the opportunity to get funding. On the down side, the more people who ask, the more people who are disappointed, and there will be people this morning who will be disappointed, some of whom may be in the room today. And I know that no one likes saying no and we are elected officials and we want the support of our constituents, and sometimes we have to say no to our constituents and that's a difficult place to be. And I hope that all participants in the process will appreciate that the more we open it up, the fairer we make it, the easier we make it to apply, the more likely it is that more people will apply, and as night follows day, the more likely it is that more people will be turned down. That's the situation that we face. These decisions are never easy. We are very fortunate this year, we do have resources and, in a few

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1 moments, I will be recommending a list of grant proposals that is larger than the amount  
2 of grants that have been made in the last few years, and I believe this year we can  
3 afford that. In that context it is important that groups understand that a one-time grant is  
4 understood to be a one-time grant. And that if there are groups that are counting on this  
5 grant process to provide the organization with this livelihood on a permanent basis, that  
6 is probably not a sustainable method for long-term survival for a nonprofit organization.  
7 Now, I absolutely recognize both in the area of Human Services, community  
8 development, arts and recreation, all of these areas for which we provide support, that  
9 every nonprofit group has several legs to the chair on which it sits. And that public  
10 support, federal, state and local government support, is one of those legs. I absolutely  
11 acknowledge that nonprofit organizations have the right to request public funds, and  
12 have the right to expect if they're meritorious and strong and make a strong case some  
13 level of public support. But it is also vitally important that a thriving successful  
14 organization that plans to exist in the long-term develop private support both from  
15 foundations, large organizations, and individual donors. And also have some degree of  
16 ability depending on the nature of the service provided to generate revenue itself. So  
17 these are the legs, you have foundation support, you have donor support, both large  
18 donor and small donor, you have individual revenues. You have the revenue generating  
19 activities that sustain you through your own activity and you have public support. Public  
20 support is one vital piece of that framework and I do not question and I will always  
21 defend government support for nonprofit agencies. But we also will look to the ability of  
22 the organization to sustain itself over the long-term through all of those, all the legs on  
23 that chair. So with that, I want to thank with great appreciation our Grants Advisory  
24 Group, which we empanelled this year, and which has gone through an extraordinary  
25 administrative task, Chaired by Jerrol Sullivan and Vice-Chair Harry Quintero, who are  
26 both here, and I'm going to ask Mr. Sullivan and Mr. Quintero to come forward please,  
27 and give us a brief presentation at this time. Mr. Sullivan and Mr. Quintero please.

28  
29 Joan Planell,

30 We also have Mr. Smith if you want to join the table, that will be fine.

31  
32 Council President Leventhal,

33 And William Smith is here as well. Just for a couple minutes Chairman Sullivan if you  
34 would press the microphone, introduce yourself, and make any comments that you'd  
35 like to make about the excellent work of the Grant Advisory Group.

36  
37 Jerrol Sullivan,

38 Okay, thank you Mr. Chairman and Councilmembers. As I've written before, we as a  
39 group we thank you for the opportunity to participate in this grants advisory process. It  
40 was, as you probably know, it was quite an administrative challenge. We reviewed over  
41 200 applications and one thing I want to give you as feedback is that I see as a potential  
42 to be over burdened in this process from the way its constructed in the beginning. For  
43 example, the group is selected in this case there were eight members selected, but they  
44 were chosen without any real knowledge of how many applications they're going to  
45 have to review. This time we had to review about 200. So that was quite challenging. I'd

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say next year you get eight more and then from the work that you have done to solicit more people to participate in this process, you may get 300 grant applications. That's going to be really, really difficult for eight people to do. So I would suggest that one of the things you could maybe do is do a survey and get an idea of how many organizations will be applying for grant funding. So therefore, you could better determine how many people on the Grants Advisory Group you will need to review all those applications. Maybe you could choose 16 Grant Advisory Group members, have maybe eight primary and some alternates so if you get three or 400 grant applications, you have some reserve to pull from and assist in reviewing those applications. That along with, we would like to see I think the Grant Advisory Group members would have liked to have seen more. It did appear in some of the applications, more background information, more information about the results of the previous efforts in terms of the success that they have had in the past, the goals and accomplishments that they have. That gives us some reassurance that they are effective in what they're trying to do and they're spending the community's grant funding wisely. Those are just two main observations that I wanted to pass along to you along with our thanks for this opportunity. And I'll give Henry and Bill a chance to speak and we'll entertain any questions you might have.

Council President Leventhal,  
Okay Mr. Sullivan, thank you very much for your good work. Very brief remarks from Mr. Quintero, please.

Henry Quintero,  
Thank you, my name is Henry Quintero, I'm a member of the Grants Group. I can only add just one or two points from what Jerrol has said that this was a group of eight individuals, volunteers, and I have never worked with seven people so dedicated to the task in front of them. So I urge the hard work that they have done, that we have done for two months should be impressed upon you that this work, you should rely quite heavily on the work that has been done because I think it helps. One other point that I just want to make on a personal observation that crime prevention, gang prevention has been a highly publicized and funded operation in the federal, state, and local levels. And it seems to me in reviewing the grants that were made through me and others that there was a thread of crime prevention applications throughout, whether it was after school, mental health, recreational, and I urge you that so much money is involved in this, at the state and federal level and local that be discerning in those organizations that would seek funding for gang prevention, whether it's direct or indirect, and that's it. Thank you very much.

Council President Leventhal,  
Thank you very much Henry. Mr. Smith we appreciate your participation, did you want to add anything?

Bill Smith,

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1 No, no, just that the process is a great process in terms of transparency and civic  
2 involvement,. And I echo exactly with what Jerrol said, there's a more formalized  
3 process for feedback. A lot of the organizations were great, but maybe if we could have  
4 a more formalized process for offering them some feedback after having reviewed the  
5 application, that would be great. That type of development would be great.

6  
7 Council President Leventhal,

8 Great, excellent, well thank you very much to all of you and to your colleagues who  
9 participated. And thank you so much to our excellent staff, Joan Planell and Amanda  
10 White and Debbie Allnut, who assisted with the Grants Review panel. This has not been  
11 an easy process, I acknowledge it is not an easy process. It is not a perfect process, I'm  
12 the first to say its not a perfect process. I hope that we are providing fairness and  
13 openness and some order to what remains a complex situation. If you announce to the  
14 world that we want to support worthy activities in a County as diverse and sophisticated  
15 as this one, many people will come to your door step saying we've got a worthy activity  
16 we'd like you to fund. If you don't announce to the world that you have money available  
17 to fund worthy activities, a very few organizations with relationships with  
18 Councilmembers will end up getting funded. Both of those have problems associated  
19 with each approach. And I acknowledge that the approach we've taken this year is not  
20 perfect. And we are continuing to review it and think about it and hope we get it right.  
21 Maybe never get it right. Now, so we have a number of questions, I guess, for our  
22 grants review panel. Vice President Praisner.

23  
24 Councilmember Praisner,

25 I first wanted to thank you very much. It's obvious that you put a lot of time into the effort  
26 and I personally very much appreciate it. I know my colleagues do too. At some point  
27 after the budget cycle I think it would be helpful and I haven't had a chance to talk to the  
28 Council President and Chair of Health and Human Services Committee, Mr. Leventhal,  
29 about the follow up on the grants process, but I do think as we've evolved the concept to  
30 try to open it up, broaden the opportunity, and provide some structure, so that folks  
31 know the guidelines. I think its important for us to have that follow-up joint committee  
32 meeting to have some conversation and would appreciate any participation that you can  
33 give. And the issue that I wanted to focus on is the issue that you just mentioned, which  
34 is follow-up and interaction. We have received a group of e-mails and comments back,  
35 some of them more heated than others about your scoring and your comments about  
36 things. And I wondered how we could improve that piece, such that if you have  
37 questions or some way of responding. Also noted that although we may not have asked  
38 for it, you did provide some scoring mechanism. And since everyone who goes through  
39 the Executive's process has some tiering process associated with that, I was very  
40 comfortable with the fact that you chose to do that and appreciated it. It helped us very  
41 much. But I wondered also at some point how we could refine that piece, either by  
42 giving the group and maybe you will come in for another opportunity having done this, I  
43 hate to burn people out in one cycle, but having us have some discussion about the  
44 criteria for different scores or points or if you found something in the sequence of  
45 reviewing that allowed you to go back and adjust the first few after reviewing the last

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few, that kind of dialogue. Having sat on committees where I had to score a volume of documents, applications for grants, I noticed that I was often going back and adjusting first reviewed applications based on what I read later on and massaging the evaluations. So I think a conversation would be very helpful if you're up for it and are willing to do that at some point. And we'll have to work with our staff, to whom I'd also like to say thank you, in order to have further conversation about this and scheduling it. But I want to leave you with my appreciation for the work that you've done. And in echoing of the comments that the Council President said.

Council President Leventhal,  
Thank you very much Ms. Praisner, it's been very helpful and productive working with you on this process. As you suggest we can continue to refine it and we will do so. Ms. Floreen.

Councilmember Floreen,  
Thank you very much. I wanted to express my appreciation to the committee. This is a - well, we all agree it's a really hard thing and that you've spent so much time and given it so much of your thought and attention is a great gift to all of us. So I thank you. And I would like to request that before you abandon us, that you share with us your thoughts about this process. We are all interested in trying to make your work better and any observation -- and I know you've made some changes in how you would approach this this year, but any specific recommendations, I think, we'd like, I'd certainly like to hear them and I think that would help inform how this is dealt with in the future. So whether or not you collectively agree or even individually, any recommendations and suggestions that you can make to us as to how we can help this effort, which is mysterious to some and will probably always remain mysterious to all, to a certain degree. I think we need your input especially as folks who are, you know, you are sort of outside looking in in this process, and I think that's tremendously useful. So, if you could, I'd very much appreciate hearing your recommendations.

Jerrold Sullivan,  
Would you like to hear those recommendations now or at later date?

Councilmember Floreen,  
We have a lot to do today.

Council President Leventhal,  
Let us...

Councilmember Floreen,  
If you could jot them down in writing, and whether or not you all agree, I think we really need to hear recommendations. And if you all agree, that would be even better but...

Council President Leventhal,



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Ms. Floreen, if I may, as Chairman of the Health and Human Services Committee as the Council Vice President and Chair of the MFP Committee has suggested what we will do is later perhaps July, when we can schedule it, we will get as many members as of the Grant's Review Panel as are available, schedule permitting, and we will have a freeform discussion as we did a year ago. And we will also invite nonprofit organizations to participate in that discussion. So, just as we did a year ago we will again schedule this year a feedback session including members of the review panel and including anyone from the nonprofit community who wants to participate. And that would be the best mechanism to get into detailed feedback, because we've got a lot to do today, this is...

Councilmember Floreen,

That would be helpful, but I would ask that you then put your thoughts in order to get that to us so that we can keep that in mind as we work through this challenging effort. Thank you so much very much.

Council President Leventhal,

Okay. With that we're going to thank our review panel. Oh, I'm sorry Mr. Silverman had a question.

Councilmember Silverman,

Thank you very much. I appreciate your hard work. I had sort of one question. Given the fact that we had asked you to participate in this process, and we're very grateful for the amount of time, I think the direction of the Council was we were not anticipating getting any kind of rankings, and so I'm trying to understand how the decision was made of the panel to do that. Because many of the County Executive's Community Empowerment Grants do not get scores, and so I'd like to try to get a better understanding of how that happened.

Jerrold Sullivan,

Yes, we were aware that the Council did not ask us to rank the applications. And we discussed that in our initial meetings as a group. So the rankings that you saw were not rankings reflecting the strength of the overall application. The ranking that you saw was a ranking of the criteria we chose to use to address the issues that we thought were important to see in an application so that the rankings are not an overall ranking to just the strength of the application, they were ranking the criteria for our benefit.

Councilmember Silverman,

I look forward to discussion in Committees about that because I just have to tell you from an absolute perception standpoint, when there is a total points of 15 that can be given and there are groups that get 15, and there are groups that get 5, that is absolutely perceived as a ranking. No differently than when the Arts Council reviews things or the Community Service Grants Panel reviews things and puts them in tiers. That's exactly how they're perceived, even if that's not what you were intending. That's how it's been received out there in the community and I think by Councilmembers.

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1 Jerrol Sullivan,

2 I agree with that completely and we went round and round with that for two days in our  
3 committee. So the bottom line is that was sort of a compromise in order to...

4  
5 Councilmember Silverman,

6 I appreciate it, I just was trying to understand how you all arrived at that. But again I  
7 appreciate your hard work. It's you know, big, thick, and I know a lot of work went into it.  
8 I appreciate it very much. Look forward to continuing the dialogue, thanks for your  
9 service.

10  
11 Council President Leventhal,

12 Okay, with that again, we thank our Grants Review Panel. We'll be back in touch. We'll  
13 evaluate how we can do it better. Because we always do it better. Thank you very, very  
14 much. Okay. What I'm going to propose now to come before the Council is that we take  
15 up... We are on the budget. We are on pages 67-10 through 67-12 in the budget. These  
16 are the Community Grants NDA. And what I'd like to do is entertain a motion that the  
17 County Executive's Community Grants Recommendations be brought before the  
18 Council en bloc. Can I get such a motion?

19  
20 Multiple Speakers,  
21 So moved.

22  
23 Council President Leventhal,

24 Okay, so Mr. Subin has moved and Ms. Praisner has seconded that the County  
25 Executive's Grants be considered by Council en bloc. That motion is open to  
26 amendment or discussion. Mr. Andrews.

27  
28 Councilmember Andrews,

29 Thank you, Mr. President. Well, this I think is an important discussion. We have many,  
30 many worthy organizations that apply for grants to the Council or to the County  
31 Executive each year. And it calls on us to make tough choices because, of course, they  
32 compete against all the other proposals in the budgets, which are many. And I think that  
33 we need to look at where the highest priorities are. I've been concerned for some time  
34 that we need to do a better job of first funding the core initiatives of County government,  
35 public safety, education, vital health and human services, infrastructure maintenance,  
36 and then figure out what is remaining that can be used for very worthy purposes that are  
37 not the core functions of the County government. Last year when we took up the County  
38 Executive's Grant Proposals I think we put people on notice that simply being  
39 recommended by the County Executive for a grant was not a guarantee of approval by  
40 the County Council. And I think that was a good thing to do, because I think everything  
41 that is applied for that requires public funding should always be scrutinized carefully by  
42 any legislative body, including the County Council. And so I have gone through the  
43 Executive's recommendations and looked at them. And I have to say that I do not think  
44 that a proposal that is included is one that should be approved outright by the County  
45 Council. I think that there is a proposal for \$200,000 for parking lot renovations in the



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Executive's budget. And there is a request for \$300,000 for the same purpose that has been applied to by the County Council. I believe that should go on the Reconciliation List and compete with all the other worthy things that are going to be put on the Reconciliation List and in many cases have already been put on the Reconciliation List as part of the budget. We have proposals on the Reconciliation List for additional library materials. There are two increments of \$250,000 on the Reconciliation List to get back up to where we should be in terms of library materials. There are increments of I think \$43,000 each for additional child welfare aids on the Reconciliation List. There is additional money for road resurfacing on the Reconciliation List and we are still behind in paving our own roads that no one else is going to pave for us if we don't do so ourselves. So I think that the request that the County Executive has proposed for \$200,000 for parking lot renovations -- and this is on page 67-11, it's a request that was put in by the Jewish Federation of Greater Washington, which is a very worthy organization, does many good things, and that is on page 67-11. I believe that should be put on the Reconciliation List with all the other worthy things that we are putting on the Reconciliation List and should compete against those. So I will make that motion.

Council President Leventhal,

Thank you Mr. Andrews. I will second your motion. My hope is this is a fairly simple matter that we need not draw this out with lengthy debate. Those Councilmembers who wish to maintain this item will have the opportunity to do so, to vote for it if it is on the Reconciliation List, we all support nonprofit groups. We do have the right as a County Council to make reductions or place items on the County Executive's list or any part of the budget on the Reconciliation List, that right is not really in question. So, I hope this doesn't need to be a lengthy debate. Mr. Subin.

Councilmember Subin,

I guess the first thing I ought to do is disclose I'm a member of the Board of the Jewish Community Center of which this parking piece is a part. First of all, I think, yes, we have the right to up or down and look at what the Executive did. I don't think there is any question about that. The problem is we could sit here all day and cherry pick what the Executive did after the Executive's consideration of everything that was in front of him. And we could be here for a very long time. The second issue is that parking apron itself. The statement was made earlier that what we should be looking at are issues regarding Education and Health and Human Services. Well frankly, that's exactly what's at issue here. The JCC serves a very broad community of interests. There are ESOL classes that run the gamut from Russian to Hispanic to Asian languages. There are Health and Human Services that are open to the entire public and serve as auxiliaries to our Special Education System. And what has happened is because of those additional uses, that parking lot is crowded. And many times many of the people who are going there to get those services cannot find a place to park, have to leave, and then do not get those services. On top of which, many of those programs are supplemented by other revenues from the JCC, that are taken out of other pots of money and go into those programs. So the programs that are not being requested for additional funding are being supplemented by the JCC to in fact handle issues regarding Education and

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1 Health and Human Services that are County-wide services, and open to everybody and  
2 serve everybody. And those education services, especially the extra year education  
3 services, are open to all children and their camps in the summer require folks to be  
4 going in and out. And there are too many people who drive around and around in that  
5 parking lot, can't get in, and they're children and adults who need services who aren't  
6 getting them because there is nowhere to park. That is why the request was in there.  
7 And I suspect that that is why the Executive approved the request. But, again, I think  
8 that there is a very strong rationale behind this and while we could -- a lot of things we  
9 could do, it doesn't mean we should do them. We could cherry pick for the rest of the  
10 week every item on the Executive's list. I'm not sure where that would get us. So I would  
11 oppose the motion strenuously.

12  
13 Councilmember Praisner,  
14 Mr. Silverman.

15  
16 Councilmember Silverman,  
17 Thank you. I would echo Mr. Subin's comments. And we certainly could go through the  
18 list, in fact the Council and Committee -- the Health and Human Services Committee  
19 took out a \$310,000 community grant to Old Blair High School auditorium, because we  
20 didn't feel it was ready for prime time. Interestingly enough, the PHED Committee  
21 supported Rockville Community Baseball's purchase and installation of baseball field  
22 lights at the Montgomery College Rockville Campus. That could have just as easily  
23 been put on the Reconciliation List in play, but I don't see that as part of the motion. It's  
24 helpful when people have opinions that they do some research. For the benefit of the  
25 Council I'm going to pass out an e-mail that I received this morning from representatives  
26 for the Jewish Federation, which actually explains the facts. It is disappointing that  
27 makers of motions here don't bother to scope out what the actual facts of the proposal  
28 are and just simply take the shorthand. This e-mail outlines that this is, as Mr. Subin  
29 indicated, part of a \$5 million renovation of the entire campus in Rockville to create 115  
30 parking spots to address the challenges for folks that are coming for services for ESOL  
31 classes, nutrition programs, elderly family visits, and the like. This is not a road  
32 resurfacing. This is no different than any of the other grants that we have provided and  
33 the County Executive has put in his budget to support capital projects. It's unfortunate  
34 that in the shorthand of some of this, it ends up getting listed as parking lot renovations  
35 when in fact it is nothing more than an infinitesimally small piece of a \$5 million Capital  
36 Project that is going to address the needs of the JCC, the Hebrew Home, and the  
37 Jewish Social Service Agency. And I think when Councilmembers have an opportunity  
38 to take a look at this in the context of what it is going to be used for and the services  
39 provided. I would hope that they would understand that this is again no different than  
40 many of the other grants that this Council will approve in its final reconciliation or many  
41 of the other grants on the County Executive's list. So I would appreciate support in  
42 opposing this motion.

43  
44 Council President Leventhal,  
45 Ms. Praisner.

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Councilmember Praisner,

Well, we have a whole list of requests that are both delivery of service as well as facility focused. And my preference would be to substitute the \$200,000 that is for the parking lot for some of the direct delivery service requests that we have from the same group of organizations. And if the maker of the motion would be willing to work through the Reconciliation List, my priority number one priorities are in the area of direct service, and there are a number that are on the Reconciliation List that I'm sure would come up to the \$200,000. And if that's -- it would just be flipping what's in the budget and what's on the Reconciliation List, I would support the motion if that included that piece.

Council President Leventhal,

Let me clarify a couple of points. First of all, no community grants are on the Reconciliation List yet. Depending on how -- if I could just clarify where we stand now as a County Council. We got a lot of grant requests. And we did add to the Reconciliation List some high priority issues that were reviewed in Committee. So a number of community grants for ESOL and Adult Literacy that were discussed in the Education Committee were adopted en bloc yesterday by the Council. In addition, thanks to the Council Vice President's work and others, a number of grants relating to after school programs which, as Mr. Quintero pointed out, we believe are a direct answer to gang issues, as well as many other issues, teen pregnancy, childhood obesity, many other issues that after school programs were a priority and the PHED Committee looked at after school programs. Those are the only community grants right now on the list. When Mr. Silverman says we already deleted a grant from the County Executive's list that was done in the Arts and Humanities discussion, in the HHS Committee. The bulk of the community grants on page 67-10 through 67-12 that are in the County Executive's budget have only been reviewed by the County Council or by any of its Committees right here, right now this morning. So when Mr. Silverman states we've already gone over these and we already acted on one.

Councilmember Silverman,  
That's not what I said.

Council President Leventhal,

We have not had the opportunity before now to look at these grants in public session as a County Council. We did remove the Arts and Humanities grants and put those in a separate NDA. I know its confusing to keep track of all of these bouncing balls. We're doing the best we can to fund activities that we believe are high priority and worthy. With respect to Ms. Praisner's comment, we don't have any of those grants on the Reconciliation List. A number will be recommended by the Council President in a few moments. After that point it would be in order for any Councilmember who wants to add any additional items onto the Reconciliation List. My preference would be that we not now begin the process -- I'm asking for the courtesy of my colleagues since I put a lot of effort into this in consultation with my colleagues -- that we not at this moment propose other grants for the Reconciliation List until we've had a chance to look at the Council

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1 President's recommendations, which are coming as soon as we dispose of the County  
2 Executive's recommendations. With respect to Ms. Praisner's point, my own preference  
3 with respect to the motion would be, if it is the will of the Council, that we put this  
4 \$200,000 on a non-recommended reduction list, and of course we will have the  
5 opportunity to fund many, many other worthy grants. and the Council President in just a  
6 few moments is going to recommend my list of the grants that I recommend and then it  
7 will be in order to add others as need be. Ms. Praisner.

8  
9 Councilmember Praisner,

10 Thank you. I guess I would amend my comments to say that my preferences for other  
11 direct service-related initiatives from the same group of organizations that are or  
12 potentially would be on a Reconciliation List to fund those in the budget and then put  
13 this item on the Reconciliation List. That would be my preference joining those two. And  
14 that may not be the maker of the motion's intent. But that's where I am from a  
15 prioritization perspective. I saw direct service and other initiatives that did not get  
16 funding or adequate funding that I preferred more than at this point ensuring funding for  
17 the parking lot renovations, as important as I understand they are for activity on the site.

18  
19 Council President Leventhal,

20 Excellent, well that's an important clarification. I would say very briefly that it is important  
21 that all groups understand that they're applying for public dollars through a public  
22 process. And that any group that submits a request, and I believe this is the right  
23 approach, should understand that the requests will be available for public scrutiny and  
24 that our process is done in public. And therefore I advise all groups to submit to us  
25 requests that they are comfortable having described and that they are comfortable  
26 explaining and that we Councilmembers have comfortable explaining our support for.  
27 And so this is a public process. If something is not worded in the best possible way, it is  
28 going to occur despite my colleagues' comments. Councilmembers truly won't have time  
29 to do in-depth research on hundreds and hundreds of grant applications, that's why we  
30 enpaneled the review panel. And so, if something is inaptly described or awkwardly  
31 described, and if as in this case it leads to published commentary by the Taxpayers'  
32 League and questions from the media, it would be worth groups submitting applications  
33 to keep in mind that those things might occur. And that it is going to be the Council's  
34 priority to fund direct service to the needy, that is primarily what this process is going to  
35 be about. Ms. Floreen.

36  
37 Councilmember Floreen,

38 Thank you. Well, the challenge with the motion on the table, I guess, is the question of  
39 the ground rules. We can of course establish our own in the Council grant process. But  
40 this is -- we are looking at a list of community grants advocated by the County  
41 Executive. And if the issue is construction of uncertain benefit, I suppose or that is not  
42 entirely clear. I just draw the Council's attention -- the big bucks here, many of the big  
43 bucks on this list are associated with construction. On Hattie's Place, \$350,000, I don't  
44 know whether that involves the parking lot or not. CHI centers, match for the Hillendale  
45 Center renovations, [INAUDIBLE] parking lot improvements, C-SAC, matching funds for

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1 construction of new headquarters. Probably parking lot work going on there. Easter  
2 Seals, they're going to need to park as well. Ivymount Schools, they're fixing up a  
3 school building. Montgomery General Hospital, Victory Youth Centers, building,  
4 building, building. That involves a range of services and issues and we're going to  
5 dissect all of these, we're going to have a very, very long day. I don't think this is -- I  
6 appreciate the responsiveness of this particular motion to apparently an editorial  
7 somewhere, but all of these are complicated construction projects serving clear  
8 community needs. I don't think we want to go down this path.

9  
10 Council President Leventhal,  
11 Okay. The issues have been laid out. I think we're ready to vote. Most Councilmembers  
12 have spoken. Mr. Subin and Mr. Silverman would like to speak a second time, and I will  
13 recognize them. Mr. Subin is not here. Mr. Silverman.

14  
15 Councilmember Silverman,  
16 Thanks. I just want to get a clarification. I wasn't sure what Ms. Praisner was referring  
17 to. Are you referring to other potential grantees on the list that have service delivery, or  
18 are you talking about the actual organization?

19  
20 Councilmember Praisner,  
21 Actual organization.

22  
23 Councilmember Silverman,  
24 Okay, well, I'm assuming that Councilmembers, including Ms. Praisner, realize that  
25 there were only two other requests that the Jewish Federation of Greater Washington  
26 had. They do not total \$100,000, nor do I believe they are part of the community grants  
27 that will be recommended by the Council President. And I assume that the suggestion is  
28 not that all of the organizations that happen to be connected with the Jewish community  
29 are interchangeable anymore than the organizations in the Korean-American  
30 community or the Catholic community are interchangeable.

31  
32 Councilmember Praisner,  
33 I'm not making that suggestion.

34  
35 Councilmember Silverman,  
36 Well, they're not replaceable dollars, because there are not the same amount of dollars  
37 that had been requested, nor do I believe they will be requested.

38  
39 Council President Leventhal,  
40 Actually, Mr. Subin, the Jewish Federation -- Mr. Silverman, pardon me -- the Jewish  
41 Federation is an umbrella organization that brings together many groups and that  
42 provides support to many groups. And does, in fact, have support that flows from one  
43 organization to another. So although it is true that the Federation is constituted  
44 differently from the organizations which it supports and which come under its umbrella,  
45 with the Federation specifically, your point is not exactly on point. I would agree with you



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1 if you were saying that a dollar to JFGH is not the same as a dollar to JESA, but  
2 uniquely the Federation is over all of the organizations and assists all of them, and  
3 provides funding to all of them. It's an extraordinarily beneficial philanthropic group that  
4 has existed for many, many years, supporting worthy activities throughout the  
5 community. But, in fact, uniquely with respect to Federation, a dollar to Federation could  
6 in fact being a dollar that does not flow through to one of the groups that Federation  
7 supports.

8  
9 Councilmember Silverman,

10 Actually, if I may comment Mr. President, first of all, they -- I think Mr. Subin's point was  
11 that monies which do not go to the Federation reduces potential monies they could  
12 distribute to other organizations. But the fact of the matter is that the Federation has  
13 asked for and received money from the County Executive and this body on numerous  
14 occasions in exactly the same form. They are separate organizations. If we don't fund  
15 the Federation's -- this piece of the Federation, then they don't get those monies. But it's  
16 not a matter of if we turn around and give more money to the Jewish Foundation For  
17 Group Homes that therefore the Federation will say, "Well, JFGH got the money that we  
18 would have gotten for the parking lots. so therefore we're going to reduce our stipend,"  
19 anymore than monies that go to Catholic Charities, they may or may not trickle down to  
20 other groups, like Potomac Community Resources, but they're separate organizations.  
21 And I assume those of us who have been around and interacted with these groups for  
22 long enough understand that.

23  
24 Council President Leventhal,  
25 Mr. Andrews.

26  
27 Councilmember Andrews,

28 Thank you Mr. President. I just want to remind my colleagues about what the motion  
29 would actually do. The motion is not to eliminate the funding for this proposal. It is to put  
30 it on the Reconciliation List, where it would compete with the many, many other worthy  
31 requests that are already on the Reconciliation List, some of which I listed earlier like  
32 the library materials, our own road resurfacing needs, child welfare aids. I don't think  
33 that this request for \$200,000 for parking lot should be not competing with those other  
34 initiatives. I just don't. And I think that's hard to explain why it shouldn't compete with  
35 those other initiatives that are on the Reconciliation List that are so important to many of  
36 our constituents.

37  
38 Council President Leventhal,  
39 Mr. Subin. I hope you get the last word.

40  
41 Councilmember Subin,

42 Using that rationale, then everything on the Executive's list ought to be put on the  
43 Reconciliation List, every single one. If it's good for one it's good for the others. I  
44 understand what Ms. Praisner is saying, but Mr. Silverman is right. And from a  
45 mechanical standpoint, because the money does or does not go to the Federation if it is



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1 targeted to another group, that group might be off-campus. And if it is off-campus, if the  
2 substitute money goes to an off-campus entity, then in fact the rational for requesting  
3 this money is dead. The fact of the matter is, and I have not seen the e-mail Mr.  
4 Silverman passed out, but these monies go to a number of entities that in fact were  
5 people, clients provided pro bono services. And it goes to children. If you look at JESA,  
6 they serve a lot of young adults, especially those with ADHD, for the community, and for  
7 a number of community organizations. There are mentally ill clients and people who get  
8 services there. Elderly, who aren't going to drive around more than once or twice before  
9 they leave and don't get their services. They're folks with disabilities who need to park  
10 up close, if they can't park up close are not going in for their services. So the list goes  
11 on and on, and this is not -- this is not necessarily fungible monies, and fungible  
12 materials. It could, you could substitute the same amount of money, have it go to an off-  
13 campus entity and then the rational for doing this is gone and all those folks just leave. It  
14 happens day in and day out because there is not room. People who in need of services  
15 aren't getting them.

16  
17 Council President Leventhal,  
18 Mr. Perez.

19  
20 Councilmember Perez,

21 Thank you Mr. President. I have been listening assiduously here. And I've been frankly  
22 torn because I do believe that Mr. Subin and Mr. Silverman raise some good points that  
23 we have funded capital projects in other contexts and so I -- and I have supported that  
24 and will continue to support that. Often times these are projects that are difficult to get  
25 funding from a foundation for. It's difficult to get funding for the infrastructure. I'm also  
26 very sympathetic though to Mr. Andrews' point about the issue of all the other worthy  
27 items that are on the Reconciliation List that we could all, you know, put our hands on  
28 the table and talk about libraries and talk about all the other worthy items. And, frankly,  
29 Mr. Subin said something that really intrigued me, which was if we're going to put this on  
30 the list, we should probably put them all on the list. And I confess I was thinking that the  
31 other day, because it is in the end the County Council that has to adopt the budget and  
32 there really is a big part of me that wonders why. I didn't do the counting of the number  
33 of entities that are in here, but I frankly have asked myself for four years why is it that if  
34 you're in the budget then we give you a presumption that you get a free pass. And so  
35 you know, I don't know if that was an offer of a motion, Mr. Subin, but I confess I have  
36 been thinking about what you said because your points are well taken. And I think that a  
37 number of items on the Reconciliation List are just as worthy as the number of items  
38 that are in the County Executive's budget. So I'm frankly wrestling right now in my own  
39 head, my inside voice is talking to my outside voice right now. You ever see that little  
40 add, you ever see that comedy routine, inside voice, outside voice? My inside voice is  
41 saying, "Tom, your outside voice, should you make a motion to just put them all on the  
42 list?" Outside voice is saying, "I don't know, but you probably shouldn't be having an  
43 inside voice, outside voice conversation in public when the TV is running." And that's  
44 probably true, especially in an election year. This is a good point, Mr. Knapp, and I wish  
45 I had spoken to you before the beginning of the day, because I could have avoided

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1 some fodder, couldn't I? I mean, again, I think it's a point that's well taken. And you  
2 know, I think there is something to be said for the fact that if we're going to have one on  
3 the list we ought to put them all on the list. I frankly would have no objection to putting  
4 them all on the list and going from there.

5  
6 Council President Leventhal,  
7 Are you making a motion Mr. Perez?

8  
9 Councilmember Perez,  
10 Sure.

11  
12 Councilmember Praisner,  
13 I'll second.

14  
15 Council President Leventhal,  
16 In other words are you moving a substitute to the Andrews' motion?

17  
18 Councilmember Praisner,  
19 Yeah, and I'll second.

20  
21 Council President Leventhal,  
22 So Mr. Perez has moved and Ms. Praisner has seconded a substitute placing all items  
23 under community grants -- other than those already acted on in the Arts and Humanities  
24 -- on pages 67-10 through 67-12 of the budget on the Reconciliation List.

25  
26 Councilmember Perez,  
27 Let me be clear about this, because I don't want community organizations to have heart  
28 failure. My intent is not to reduce the amount of community grants.

29  
30 Councilmember Silverman,  
31 Right, get the defibrillators out!

32  
33 Councilmember Perez,  
34 No I mean, that's not the intent of the motion at all. In fact my intent is to keep the  
35 amount the same and then the Council President is about to introduce what I believe is  
36 quite a generous package of additional grant requests. So my goal is to have the pie  
37 just as big, but to provide some opportunities for every one to compete with that pie. So  
38 that to the extent that anybody is worried that I'm trying to reduce the pie, it's actually go  
39 to do nothing of the sort. But it will provide other opportunities. Mr. Subin made a good  
40 point and if you're going to do one, you should I think you should probably think about  
41 doing them all. I'm torn about that, because I do want to respect the County Executive's  
42 prerogative and frankly I'm not sure there is any on that list that I wouldn't support. But I  
43 do think that there is you know, there are some folks who don't know the process. That's  
44 my concern in this is that this is a process that rewards -- that penalizes organization



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1 that is do great work but aren't necessarily as savvy at maneuvering the intricacies of  
2 County government.

3  
4 Council President Leventhal,  
5 Mr. Knapp.

6  
7 Councilmember Knapp,  
8 Thank you Mr. President. I'm -- not directly related to the motion but an ancillary point  
9 I'm pleased that this discussion came up while we're in the midst of doing a budget,  
10 because effectively what has been proposed is how we ought to be doing our budget on  
11 a fairly regular basis. We take recommendations from the County Executive but we  
12 have the authority and we ought to be establish that as a baseline. But, effectively each  
13 year we start with what's recommend from the County Executive and use that a as our  
14 base as opposed to having everything looked out at the outset. And so I agree, and I  
15 think philosophically that's something we ought to look at doing that at the beginning of  
16 the budget process each year. So, I just wanted to make that plug.

17  
18 Council President Leventhal,  
19 Mr. Subin.

20  
21 Councilmember Subin,  
22 Well, I guess I'm now a victim of what I say to others, be careful when you wish upon a  
23 star, you may get what you ask for. My point simply was why are you cherry picking  
24 one, we can cherry pick the rest of the day and put what the Executive's choices were.  
25 Again, because you have the power and the ability doesn't mean you necessarily have  
26 to exercise that power. That one can respect the prerogatives of another, which is  
27 understanding the prerogatives and the wishes of the Executive after the Executive did  
28 all of what he did. We have a system in place that looks at what the Executive did, what  
29 was not funded after that and on top of that what we want to fund and what is desirable  
30 on our part to put in in terms of grants. It is the same as when a Councilmember came  
31 to me four years ago on an issue that for a program, Mr. Perez,.

32  
33 Councilmember Perez,  
34 Yes, I'm sorry.

35  
36 Councilmember Subin,  
37 It is the same as four years ago when we were finishing up our grants list and a certain  
38 Councilmember came to me for \$10,000 for a program that had not been funded and  
39 said it should get special consideration. It did not go through that process and was put  
40 on the list and funded and I know today that it is proposed to get two times that amount.

41  
42 Councilmember Perez,  
43 Three times actually.

44  
45 Councilmember Subin,

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1 Three times, that's even better.

2  
3 Councilmember Perez,  
4 Yes.

5  
6 Councilmember Subin,  
7 So we did the right thing.

8  
9 Councilmember Perez,  
10 I agree.

11  
12 Councilmember Subin,  
13 And it is a matter of simply respecting the prerogatives of another branch of government  
14 having gone through their process and made their choice, and then we look at what was  
15 left. Yes, I concede we have the power and the ability to do that. A lot of people have a  
16 lot of power and a lot of ability to do a lot of things, but we hope, in fact we wake up in  
17 the morning and we pray that that power will not be exercised.

18  
19 Councilmember Perez,  
20 If I could...

21  
22 Council President Leventhal,  
23 Okay. Let me just clarify what I understand the intent of the motion to be. As I said  
24 earlier, what I understand the intent of the motion is that the Council is now acting for  
25 the first time on all of the community grants recommended by the County Executive,  
26 therefore the motion would not include any grants already acted on by the Council. So,  
27 for example, the American Film Institute, which was handled as an arts and humanities  
28 item by the Health and Human Services Community, the Blair Auditorium Project, which  
29 was handled as an Arts and Humanities item, those have been addressed by the  
30 Council. The motion would only deal with those community grants that we consider to  
31 be Health and Human Services or Community Development. And that is -- still placing  
32 all those on the Non-recommended Reduction List is still a matter pending before the  
33 Council. Mr. Silverman.

34  
35 Councilmember Silverman,  
36 I'm not really, I don't really know where to start on this, so I'll try to make a couple  
37 comments. There are not enough defibrillators in Montgomery County to address the  
38 significance of the motion that Mr. Perez has just made. I would hope that when we  
39 further discuss this before we have a vote that perhaps he'll reconsider it. I see [Alan  
40 Lovell] out here, and [Alan Lovell] knows exactly what this motion is. This motion takes  
41 \$346,000, which is a bond bill match for Hillendale Center renovations and puts it in  
42 play. Let's make sure everybody who is watching and everybody in the audience  
43 understands, when you put something on the Reconciliation List it competes against  
44 everything else, everything else. And to do this -- I mean, I hesitate to even say that this  
45 is the 11th our because we're past the 11th hour. None of these community grants, how

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1 about the Latino Economic Development Corporation? How about CASA, how about  
2 Habitat For Humanity, Independence Now, you can go through the whole list. Every one  
3 of these people has been told through the quote "process" that if you're in the County  
4 Executive's budget, you're in the budget. Now they all know that technically speaking at  
5 the end of the day, which is today, somebody can make a motion and move them to be  
6 cut or move them onto the Reconciliation List, but I guarantee you none of these  
7 organizations are here because, if they thought this motion was going to be made you  
8 better believe they were going to be here. And we'll see how this comes out, but I can  
9 tell you, you know, there is an excellent opportunity if this motion passes for our e-mail  
10 and phone lines to be shut down, because every one of these organizations is now  
11 going to understand that they are at risk for being cut through a process that quite  
12 frankly will be a negotiated process among Councilmembers. And I'm not going to be  
13 able to tell [Alan Lovell] or anybody that they're actually going to survive this process.  
14 The second thing is you know we go through this every year. The County Executives  
15 got six or 7 million on this list, \$6.4 million. The president is going to recommend a list,  
16 you know, on the Reconciliation List that looks to be about \$3.5, we're talking about  
17 possibly \$10 million out of a \$4 billion County budget, and for the last three years we  
18 have sat here and listened to an obsession about focusing in on an incredibly small  
19 percentage of this budget. What are we talking about, two-tenths of a percent of the  
20 entire budget? We just spent an hour and a half approving \$1.8 billion for the school  
21 system, an hour and a half, without giving it a fraction of the scrutiny that we're giving  
22 these community grants, Hey, I was with you and guess what, and guess what, I didn't  
23 hear anybody, I didn't hear anybody making any motions. I didn't hear anybody making  
24 any motions...

25  
26 Councilmember Denis,  
27 Don't give 'em any ideas!

28  
29 Councilmember Silverman,  
30 Hey, let them. Let those who want to make sure that everything is in play, I'll take you a  
31 step up. Why don't we put the whole Executive's budget on the Reconciliation List? If  
32 you want to be fair let's go ahead and do that. Instead, this is a direct attempt at  
33 focusing in on the nonprofit community in this County. And nonprofit organizations,  
34 many of whom are here, should resent it. There was an attempt made three years ago  
35 by two of my colleagues to zero out community grants. Six months before we even had  
36 a budget process. Fortunately, we didn't do that. But let's make it clear, this is not a  
37 casual motion that's being made. This is going to take \$7 million to all of these folks and  
38 is going to put them in play. And I appreciate the fact that guess what, technically they  
39 could all survive the end of the process. But if this is what we're going to do with  
40 nonprofit grants, then I think we ought to go through -- spend a day going through the  
41 County Executive's budget and putting the other tens of millions of dollars that he's put  
42 in on the Reconciliation List, so then in fact, as Ms. Praisner had commented earlier,  
43 maybe we will have a Reconciliation List that is as large as the budget. This is such an  
44 incredibly small portion and yet we have to focus in on all of these nonprofits, without



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1 any notice to them about the risk factor for them. This is outrageous and is an attack on  
2 nonprofits.

3  
4 Council President Leventhal,  
5 Mr. Perez.

6  
7 Councilmember Perez,

8 I beg to differ. And I'd like to remind my good friend and former seatmate Mr. Silverman,  
9 what I said at the outset, which was this is -- if you're looking for the issue of how much -  
10 - are we trying to cut the budget of nonprofits? No. But am I able to sit here this morning  
11 and say the parking lot expansion at the Jewish JCC is a more worthy item than the  
12 additional money for the library system or, pick your favorite project on the  
13 Reconciliation List, that was the question presented. We have a balance here that we  
14 have to strike. I have never told anybody if you're in the County Executive's budget  
15 you're in the budget. And any of my colleagues who have been respectfully doing a  
16 disservice I think to nonprofits. And part of the challenge we have here is that I think  
17 there are, once again, some very unrealistic expectations that have been generated in  
18 the community about what to expect. I think there is a balance that we have to strike  
19 here. I do respect the prerogative of the County Executive. And I do recall the  
20 conversation, Mr. Subin, that you and I had and I appreciated your indulgence. But I  
21 also think that Mister -- if one is going to argue that we have no right to cherry pick one  
22 line item -- and "cherry pick" was the term, I think, that was used here -- if it's either you  
23 have to accept them all or you have to put them all on the list, that was the logic I heard,  
24 I think in the end what we need is a balance. And a balance involves I think respecting  
25 all of our respective exercise of judgment and our exercise of judgment may differ with  
26 your exercise of judgment. Our determination of a view of the merits of one project may  
27 differ. I don't hear Mr. Andrews offering a litany of motions of items that are on -- that  
28 are in Mr. Duncan's budget. He isn't going down there line by line. But he is looking at  
29 one item and saying, "I'd like to at least have that item compete." If we can't do that, I  
30 believe that we can't exercise oversight sufficiently as a County Council. And so you  
31 know, the debate as it was framed I believe left us with two options, which is, one,  
32 you're prohibited effectively from second guessing what's in the County Executive's  
33 budget or you put everything on the Reconciliation List. I frankly resent the notion that  
34 this is an affront or an attack at nonprofits and I believe my friends in the nonprofit  
35 community -- I don't have to spend much time talking about the commitment that all of  
36 us have. And nobody has a monopoly on this Council on commitment to nonprofits.  
37 Nobody can assert the unique moral high ground on commitment to nonprofits. Let's put  
38 that "horse hooky" aside. I think that is really, frankly, out of bounds. And I will not  
39 pretend to have a commitment that is in any way, shape or form superior or greater than  
40 any of my colleagues. I think that would be an insult to my colleagues to suggest that. I  
41 think in the end we have a budget process in which we have to have a balance. And I  
42 would respectfully observe that we have exercised that balance with a fair degree of  
43 discretion. And we have done so, I think, effectively. I did not support the effort two  
44 years ago to not provide funding for the grants, but I absolutely respected the judgment  
45 of my colleagues, and again, I would reiterate those who did, we didn't have a moral



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1 high ground on that issue then, we don't have it now. It was a tough budget cycle and  
2 we were attempting to have a hard conversation about priorities. And I respect the fact  
3 that people are willing to do that. It was not a politically popular thing to do, and while I  
4 disagreed on the merits, I did not disagree in any way, shape, or form with the intent or  
5 the spirit of what the enterprise was about. So I think we do need to have a balance in  
6 the end. If we're going to establish a rule that says if you're in the County Executive's  
7 budget, you're in, well, then we ought to announce that and have a public hearing on  
8 that and make sure people know it. That has never been my rule. I don't think it's the  
9 Council's rule. I don't think it should be the Council's rule. And it's effectively the rule  
10 because when you look at we're having a conversation that we've had for an hour about  
11 one item. You know, we haven't been talking about the other items until now the last ten  
12 minutes. I'm actually -- given that it's the day before the end of the budget. And by the  
13 way, Alan you know I think we've spent enough time together where you understand the  
14 respect I have for the work you do. And every time I drive up New Hampshire Avenue I  
15 think about the times I've been there with you. So you do God's work as every one in  
16 this audience does. That is meant to be a religiously neutral term, not to offend anyone.  
17 So I am, you know -- given that it is the day before the end of the budget cycle -- I am  
18 going to withdraw my own motion. If others want to offer it, that's fine. But I am going to  
19 support the original motion of Mr. Andrews, because I do believe that our budget ought  
20 to be a balance between respecting the County Executives desires, but also giving  
21 Councilmembers the ability and the authority, in fact, the responsibility to look at what's  
22 been coming over and to make those judgments. So I don't agree with Mr. Subin that  
23 you can't look at line items and ask questions about them. I do agree with Mr. Subin that  
24 you have to have some degree of mutual respect on both sides. And so I am willing In  
25 the spirit of that I will support Mr. Andrews' original motion, which again is simply to put  
26 the issue in play, to place it on the Reconciliation List. I'm actually happy we've had this  
27 conversation because I really am torn about this lengthy list of things. And if this were  
28 April 15th instead of May the 16th, I might actually want to engage that conversation  
29 earlier on. Given that it's the day before the end of the budget cycle, I think the timing  
30 would be ill advised, but I think it's a conversation worth having. I'm glad we've had that  
31 conversation here this morning. And I do respect the right of Mr. Andrews, Mr. Subin,  
32 Mr. Denis, and all of my colleagues to take a look at these. And the only item we took  
33 out, incidentally, and I supported it, is an item in District Five, I will note parenthetically.  
34 And you know what I've had a lot of calls about that. I've had a lot of conversations with  
35 community members about that. It was a very difficult decision and sometimes you got  
36 to say no to a lot of friends. And I've got really close friends working on that project  
37 doing great work. But it was the right thing to do and when that was brought up, I  
38 thought it was the right thing to do. So I think this is a different motion because the Blair  
39 Auditorium is actually off the list, it's not on the Reconciliation List. This is simply saying  
40 it ought to compete. And I think that's a different kettle of fish.

41 Council President Leventhal,

42 I'm going to plead with colleagues. I recognize that our rules of procedure require me to  
43 give time to any Councilmember who seeks time, but I'm going to plead with colleagues,  
44 Mr. Andrews clearly laid out his motion. The suggestion was made that instead of Mr.

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Andrews' motion all items on the County Executive's list should be placed on the Reconciliation List. Mr. Perez moved that, following Mr. Subin's suggestion. Mr. Perez has now withdrawn that. We are back to Mr. Andrews' motion to place a single \$200,000 item on the reconciliation list. We are talking about a single \$200,000 item, the issues are fairly clearly drawn. I am pleading with my colleagues. I will recognize any Councilmember whose light is on, but I'm pleading with my colleagues to allow the Council to cast this vote and expedite its business. Ms. Floreen.

Councilmember Floreen,  
Thank you. This is not a game. I'm fine with dealing with Mr. Andrews' proposal.

Council President Leventhal,  
That is the matter now before the Council, Ms. Floreen, and we're almost ready to vote.

Councilmember Floreen,  
Now, I'm going to say something about the things that everyone else has spoken to. And the fact of the matter is if we're going to have this conversation, for the next Council, frankly, you need to have it early on, but to terrify everybody for some advantage, which I can't appreciate and cannot understand, I do not see the point. This is serious to these people. This is a serious issue. And if we're going to exert authority to review every single item on a regular basis, fine, let's do that. And let me point out that some of the committees on which I serve attempted to do that and were, in fact, called on for doing it. We can agree upon the process, this is unwieldy, no one understands it, and I don't think it works. So let's agree, let's fix the process, but let's not terrify people the day before we're supposed to approve this budget.

Council President Leventhal,  
...Councilmember Floreen's position that the Council does not have the authority to review every single item in the budget sent to us by the County Executive?

Councilmember Floreen,  
It's my view we can review what we choose to. But to play games with people at the next to the last day of the process, I think is unwarranted and unfair. It's not a game. If we're going to change the rules, fine, let's talk about that in advance.

Council President Leventhal,  
There is no rule that requires the County Council to add immediately into the budget every item recommended by the County Executive in the Community Grants NDA or in any other part of the budget. The Charter gives the authority over the budget to the County Council. The County Council receives the budget from the County Executive. There is no rule -- there is no rule that states that every community grant, or any other item proposed by the County Executive, is in the budget. The budget is to be approved by the Council. That's what the Charter says. That's what the rules are.

Councilmember Floreen,

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1 And we have every opportunity and have had this for months. And have had every  
2 opportunity to work through these things.

3  
4 Council President Leventhal,  
5 Ms. Floreen, no, we have not. Today is the first day that the community grants...

6  
7 Councilmember Floreen,  
8 Well, I didn't set the agenda, Mr. President.

9  
10 Council President Leventhal,  
11 The community grants have been on the agenda for many weeks for today. No  
12 committee has reviewed the community grants because it was the desire of  
13 Councilmembers that it be dealt with in full Council. This is the first day that community  
14 grants have come before the Council. They were not dealt with during Committee  
15 consideration of the budget. We have not been dealing with these for many weeks, this  
16 is the first time it's come before the Council.

17  
18 Councilmember Floreen,  
19 Choices have been made, Mr. President, as to how this was going to be handled. If this  
20 is going to be handled this way, I absolutely concur with the comments of others who  
21 have said well get the word out early on. We're a group that goes around talking about  
22 transparency and accountability. Let's remind ourselves of that. And if we're going to  
23 change the community expectation of our behavior and our review process, let's admit it  
24 up-front and handle it in a public way. If we're -- if you want to have a debate about each  
25 and every one of these things -- which I didn't believe was on the table at this point in  
26 time -- fine, let's do it. I'm happy to do that, but let's not change the rules at the last  
27 minute in a fashion that casts mystery -- further mystery on what is already a  
28 complicated process. We could agree on rules. We could say we're not going to fund  
29 parking lots or not going to fund construction projects. That's fine, but let's agree in  
30 advance that that's part of the conversation. I'm happy to go down and cherry pick  
31 things if you want to do that. We've got a couple more days yet before we have to  
32 approve the full budget, fine. But let's not play around with this. This is serious. And  
33 although it is a small percentage of the budget, indeed, it means a great deal to many,  
34 many people. I don't like this process. But if we're going to do it, let's do it honestly.

35  
36 Council President Leventhal,  
37 Ms. Floreen, I have no idea whom you're accusing of being dishonest. Would you  
38 please specify who? Who is being dishonest, Ms. Floreen, would you please specify?

39  
40 Councilmember Floreen,  
41 If we're going to have a process, let's agree to its boundaries. Let's agree about the  
42 ground rules, let's agree about the timing, let's agree about the notice, that's all. It's not  
43 complicated.

44  
45 Council President Leventhal,

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1 The matter now pending before the County Council is the amendment offered by Mr.  
2 Andrews which would reduce -- which would take \$200,000, put it on the Non-  
3 recommended Reduction List. That motion is in order. Notice has been provided for  
4 some time that today would be the day -- Actually it was going to be yesterday, but  
5 notice was provided Monday that that it would be today that the Council would take up  
6 community grants. Full public notice has been provided. There are many in the  
7 audience who are here with an interest in community grants. They would not be here  
8 had notice not been provided. We are here discussing community grants. Mr. Andrews'  
9 motion is in order. I do not -- I am telling you with certainty that it violates no rule. Full  
10 notice has been provided. It does not break any rule. And so the matter now before the  
11 Council is the question of whether to place a \$200,000 item recommended by the  
12 County Executive on the Reconciliation List. We could vote, but any Councilmember  
13 who wishes to continue speaking will be recognized. Mr. Subin.

14  
15 Councilmember Subin,

16 First of all, I thank Mr. Perez, for withdrawing his motion. Second, I think he makes a  
17 valid point that we should discuss this prospectively, not at the last minute. And for the  
18 next Council to do so and do so starting in its retreat in December, I think would be a  
19 valid exercise of that retreat. I'm concerned though that there has been some  
20 mischaracterization. Neither Ms. Floreen nor I said that we can't do this. I believe we  
21 both said we can do this, but that doesn't necessarily make it right. There are no written  
22 laws on how to do this. The problem, as Ms. Floreen has enunciated, is that traditionally  
23 we have done this a certain way. And the fact that there was notice of community grants  
24 that were discussed this morning is valid to a point because traditionally the only  
25 community grants that we have discussed were the Council's, not the Executive's. So  
26 those who are on the Executive's list have not shown up. It is only those who are still  
27 competing on the Council's list. And I believe that in looking at what is being stated as  
28 the rule, so it has been the traditional rule that that is how it was handled. So notice was  
29 not, according to tradition, given to those on the Executive's list, that that list would be  
30 opened up. Although I concede -- and I think I have to do it, ad nauseum, because  
31 we've been mischaracterized, we can do it. That doesn't mean we should do it. And the  
32 reconciliation, the way the Reconciliation List is handled is not necessarily transparent.  
33 So putting things on the reconciliation puts it into a state where, as Mr. Silverman earlier  
34 characterized, it's worked out among the Councilmembers. And so the plea is to, to  
35 maintain tradition, that if Mr. Perez is saying and suggesting that the next Council  
36 should review how both the Executive and the Council grants are provided to the  
37 community, I think that that is a very valid and important thing to do. But the non-profit  
38 community, who operates on a shoestring, puts a lot of time and effort into this. And  
39 they, in fact, worked through this the way they always do. And if we are going to change  
40 the way we operate, they need to be given notice. Not notice of a couple of hours, or  
41 simply by saying the notice was there that we're dealing with these, because all we  
42 have dealt with is the Council list not the Executive's list.

43  
44 Councilmember Knapp,

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1 Briefly, I'm actually pleased we're having this conversation from a broader budget  
2 perspective. It is late in the...

3  
4 Councilmember Praisner,  
5 It's the most we have.

6  
7 Councilmember Knapp,  
8 It is. I agree, I don't think we should define this just to grants. But I would pick up on a  
9 point that Mr. Subin had just raised, which is to bring this back to the next Council I  
10 would encourage the Staff Director, Mr. Farber, to add this to the list of things that we  
11 would put on -- for consideration at the Council's retreat in December -- not knowing  
12 what the makeup of that new Council will be -- to look at how we actually undertake the  
13 fuller budget process. Because, effectively, if you read the Charter, everything that is  
14 recommended from the County Executive is, or could be, on a Reconciliation List at the  
15 outset. As Mr. Perez and I were just talking, effectively that is a zero-based budget  
16 approach. Do we want to take that kind of approach? Maybe, maybe not. But I think it's  
17 worth a discussion at the retreat in December. And I would urge the Staff Director to put  
18 that on the list, because I think we ought to have that discussion. We will have a new  
19 County Executive, we'll have a new County Council, and I think it's probably an  
20 appropriate time to see if we want to -- it's not changing the rules, but change the way  
21 that we take an approach to the budget. So we do it with enough notice, so that people  
22 are aware of it and we can really have a full vetting of all of the budget elements. And so  
23 I appreciate Mr. Subin's suggestion, I appreciate the motion made by Mr. Perez, and his  
24 withdrawing of it, because I think that it is probably a little late in the game to do it. But I  
25 think this has been a very worthwhile discussion. ....

26  
27 Council President Leventhal,  
28 I'm going to speak as a Councilmember briefly. I think this idea that we have always  
29 deferred to the County Executive on every grant is very completely spurious. We've had  
30 over the last few years -- and I welcome it and I think it's terrific -- an explosion of  
31 support for individual community groups. I've only been here four years. When I started  
32 four years ago, we were in very tight budget circumstances and the County Executive  
33 recommended a few hundred thousand dollars in community grants. There were six or  
34 seven of 'em, we could look it up, and we accepted them because they were good  
35 organizations, they were well known to us. Last year, when the County Executive, for  
36 the first time in the four years that I've been here, recommended more than a million in  
37 community grants, we took a motion, en bloc -- and we had to make the motion, it was  
38 not automatically assumed that the budget was just approved -- and we voted to  
39 approve his recommendations en bloc. The idea that there are these long-standing  
40 traditions, when this year there is \$6.5 million -- and I commend the County Executive  
41 strongly for supporting the nonprofit sector in providing vital services to people who  
42 need them. We've never had a situation like this before, and I haven't seen a budget like  
43 this before. We're in good shape, we're a generous County. We have the resources, we  
44 can help and we should, and these are excellent groups that are worthy of support. But  
45 the idea that when for the first time we have \$6.5 million before us from the County



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Executive, which we haven't seen before, that we don't have the right to say, "You know, on this item I'm not sure. Let's give it a little more time, let's put it on the Reconciliation List." And that violates some long-standing tradition is spurious, it's not so. Mr. Perez.

Councilmember Perez,

I was simply going to note that I do believe we've placed people on notice last year about the fact that we were revamping our process -- it was a work in progress -- and that nobody should assume anything about anything in the grants process. So to the extent that they are games being played -- and I'm still trying to understand what my friend and colleague Ms Floreen means by that -- I think the game we have to avoid playing is telling people, "If you're in the County Executive's budget, you're in." Not true, please don't assume that. If someone's telling you that, they're playing games with you. The game that we also need to try to avoid is promising everything to everyone. That is not a healthy game to play. And I am getting a lot of calls from grants -- from nonprofits who are asking me to make promises that I'm unwilling to take, because I would be deceiving you were I to make them. Those are two games that we really need to avoid. Something we need to aspire to is to level the playing field for everyone and to create a situation where your grant is not dependent on relationships. Your grant is dependent on the merits of your organization and the work that you do. At the moment, we're working toward that and we have made great progress in that, but we're not quite there. So, those are the things we need to do. I don't, for the life of me, know what other games we're talking about but we'll just move on. And I agree with Mr. Knapp, wholeheartedly. I'm glad we had this conversation. Because hopefully next year, people will remember, if someone tells you, "Yeah, you're in the County Executive's budget, not to worry." Hopefully you'll know that you were put on notice at about 10:30 at May 17th, that that's not the case.

Council President Leventhal,

If there were a rule that said that if the County Executive has recommended your grant, you're done, you're in the budget, that would come as news for the dozens and dozens of community organizations who were recommended in the County Executive's budget, who testified at our budget meetings asking us to preserve the funding in the County Executive's budget, and who e-mailed us and called us and met with us, asking for our support, which I'm happy to provide because I support these organizations that are in the County Executive's budget. So if there were some rule, someone certainly neglected to give notice to the organizations that have been asking us to keep the money that is in the County Executive's budget. There has never been any such rule. The matter before the Council now is Mr. Andrews' motion. Those in favor of the motion will signify by raising their hands. It is Mr. Andrews, Mr. Perez, Ms. Praisner, and myself. Those opposed will signify by raising their hands. It is Mr. Knapp, Mr. Denis, Ms. Floreen, Mr. Subin and Mr. Silverman. The motion fails on a vote of 4-5. I now have for Councilmembers, and I'm going to request for staff to make available to the audience the community grants list recommended by the Council President. Where are copies available for the audience? Okay, and for the media and for community members,



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1 anyone who would like it. I am not going to read each item on this list unless asked to  
2 do so. Let me say -- okay, the question is how was this list put together and what  
3 happens now? This list is very strongly informed by the work of our Community Review  
4 Panel. I would say that the single strongest element that got this on the list is a very  
5 strong evaluation by the Community Review Panel. In addition, I worked with  
6 Councilmembers -- I provided a copy of this list, a draft copy, an earlier copy to  
7 Councilmembers yesterday. I had asked Councilmembers a week ago, and most  
8 Councilmembers did, to provide me with their three top priorities and I tried to  
9 accommodate Councilmembers' three top priorities. Over the course of yesterday a  
10 number of corrections, math errors were pointed out to me, some additions were  
11 requested. And also in making my own recommendations, since I am as well a  
12 Councilmember, I considered those items that were well known to me and we had  
13 heard a great deal of community support for. So, how was this list put together? First  
14 and foremost, I relied on the work of the Grant Review Panel. Second, I took the input of  
15 my colleagues and myself. And third, I considered those items that we had heard a  
16 great deal about from the community I know that they are people in the room -- and  
17 additional motions are going to be in order and are likely to be made -- who are hoping  
18 they were on the list and may not be on the list. There are additional motions about to  
19 be made, additional items have been considered by Committees. And as I said before, it  
20 wasn't possible to accommodate \$17 million of grant requests. I'm recommending \$3.5  
21 million on this list, which is more than we have awarded -- this is the most that we have  
22 awarded in the four years that I've been a member of this Council -- in community  
23 grants. And I believe we can afford it, I believe we have the resources to do it, we're a  
24 generous County, I think we should do it. These are organizations that help people in  
25 need and we should be providing support to them. So I am moving, and I hope can get  
26 a second...

27  
28 Councilmember Silverman,  
29 Second.

30  
31 Council President Leventhal,  
32 ...that this list be placed before the Council at this time. It is open for comment or  
33 amendment. I've made the motion and Mr. Silverman has seconded it. Thank you, Mr.  
34 Silverman for your second. Mr. Silverman.

35  
36 Councilmember Silverman,  
37 Thank you. I guess a point of procedure, Mr. President. I have another list, and other  
38 Councilmembers may have lists. So I just want to understand, procedurally, do you  
39 want them handled as an amendment to your list?

40  
41 Council President Leventhal,  
42 No, that's an excellent question. What I would like to do actually is if we could act on this  
43 first, and then additional motions would be in order after that. That would be my  
44 preference.

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1 Councilmember Silverman,  
2 That's fine.

3  
4 Council President Leventhal,  
5 Okay, is there objection to adding the Council President's recommended list to the  
6 Reconciliation List?

7  
8 Councilmember Praisner,  
9 No.

10  
11 Council President Leventhal,  
12 Hearing no objection, the Council President's list will be added to the Reconciliation List.  
13 Okay, any other motions are in order at this time. Mr. Silverman.

14  
15 Councilmember Silverman,  
16 Thank you, Mr. President, I have separate list... which I'll distribute down the line here.  
17 And I don't have copies for everybody in the audience, so I'm not sure how you want to  
18 handle this. But let me tell you what this list is. The first thing is there are several -- and  
19 I've laid this out at the request of the Council President -- there are five grants that were  
20 all approved by the PHED Committee and recommended by the PHED Committee.  
21 Those are the first five that are on this list. There is a second group that are on here,  
22 and I want to clarify at least two things on the second group, The Food and Friends  
23 item, which is on page two of this list, is on the President's list at \$50,000. Subsequent  
24 to their grant request, which was made in a timely manner -- subsequent to their grant  
25 request they determined after the County Executives budget came out that they did not  
26 receive moneys that they had anticipated they were going to get through the Community  
27 Development Block Grant process. So part of this is essentially amending them up from  
28 \$50,000 to \$90,000, which would make them whole. The second adjustment is Potomac  
29 Community Resources, which had made a grant request for \$20,000 in a timely  
30 manner, by February 15th, and subsequent to that submitted an additional request  
31 indicating that they could expand their program significantly if they received \$60,000.  
32 The last items, which are on the last page, are four that were late filed grant applications  
33 after February 15th, that five Councilmembers at the time signed off on. Although I  
34 understand procedurally we have to have a majority of the Council today supporting. I  
35 want to make one thing crystal clear, I'm not suggesting for a second that all of these  
36 grant requests will end up getting funded. But if we do not put them on the  
37 Reconciliation List, as we have just approved 58 grants totaling \$3.5 million at the  
38 suggestion of the President of the Council, then none of these will have an opportunity  
39 to compete. And so that is the spirit in which I am proposing this. I'm happy to discuss  
40 any of these specifically, but that's my motion.

41  
42 Council President Leventhal,  
43 Okay, let me...

44  
45 Councilmember Subin,

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1 Second. I'll second it.

2  
3 Council President Leventhal,  
4 Okay, the motion has been made by Mr. Silverman and seconded by Mr. Subin. Let me  
5 first of all clarify for the benefit of those at home and those watching. Actually, we need  
6 a motion on the County Executive's -- we did not actually act on the County Executive's  
7 grants.

8  
9 Councilmember Subin,  
10 [INAUDIBLE] second.

11  
12 Councilmember Praisner,  
13 I thought we already -- no, we did make that motion, but we never...

14  
15 Council President Leventhal,  
16 That motion was pending but we never voted on it.

17  
18 Councilmember Praisner,  
19 We never voted on it.

20  
21 Council President Leventhal,  
22 So I'm going to actually -- I'm sorry, we'll get back to your motion, it was just my error  
23 that we forgot to do it. So, those in favor of adopting the County Executive's Community  
24 Grants NDA will signify by raising their hands. It is unanimous, thank you. So, now all  
25 matters on the County Executive's Community Grant NDA list, which should have been  
26 distributed, are in the budget.

27  
28 Unidentified Speaker,  
29 [INAUDIBLE]

30  
31 Council President Leventhal,  
32 This is what is in the budget, this is pages 67-10 through 67-12 of the County  
33 Executive's budget document. So those are included by the Council in the budget. We  
34 also acted a few moments ago to add to the Reconciliation List -- we still have to  
35 discuss tonight and tomorrow morning what we can afford to pay for the list titled  
36 "Community Grants Recommended By Council President." The Council has acted to  
37 add that list to the Reconciliation List. It's not in the budget, it is on a list being  
38 considered to add to the budget.

39  
40 Councilmember Floreen,  
41 Mr. President, excuse me, I was in the lady's room at that time, please add me to the  
42 Council's support...

43  
44 Council President Leventhal,

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1 It was a voice vote. It was a voice vote. And now, Mr. Silverman has recommended an  
2 additional \$1.7 million in grants. I'm going request a division of Mr. Silverman's motion.  
3 I'm going request that we consider Mr. Silverman's motion in three parts. And I  
4 appreciate that Mr. Silverman's office has provided us this chart in three parts. That is  
5 the first part would be those grants that were already recommended by the PHED  
6 Committee. Those are the \$30,000 for the Asian Pacific American Chamber of  
7 Commerce, \$150,000 for CASA of Maryland Economic Workforce Development  
8 Program, \$50,000 for the Latino Economic Development Corporation, \$30,000 for the  
9 Nonprofit Village, \$40,000 for a Sport's Council. Those items had already been  
10 recommended by the PHED Committee. I'm going ask that we act on those first. And so  
11 a division I think is in order. I don't think we require a vote on a division. So those five  
12 grants that have already come before the Council are now before the Council. Is there  
13 objection to adding those five grants already reviewed and approved by the PHED  
14 Committee to the Reconciliation list? Okay, hearing no objection, those five grants, the  
15 first five on Mr. Silverman's chart: Asian Pacific Chamber, CASA of Maryland, Latino  
16 Economic Development Corporation, Nonprofit Village, and Sports Council are added to  
17 the Reconciliation List. They must still -- we still have to figure out whether we can  
18 afford to do them over the course of today and tomorrow morning. Now before the  
19 Council are the additional requests by Mr. Silverman. I'm not going to read them all,  
20 they are on Mr. Silverman's chart, unless there's a request that I read them. Let me just  
21 state with regret that my position is that I will oppose adding these to the Reconciliation  
22 List, although -- and I may lose, I understand, I'm just one Councilmember -- Although  
23 my view is these are all worthy organizations, we have made a very good effort in  
24 consultation with colleagues, and I asked colleagues for their priorities and I worked  
25 very hard to accommodate colleagues' priorities. We have a colleague who has a large  
26 number of priorities and I did actually accommodate a number of those, but I was not  
27 able to include all of those. And my real concern with respect to the addition of this  
28 additional million or so dollars is that it significantly weakens our responsiveness to the  
29 Grant's Review Panel. If all of these millions of dollars are placed on the Reconciliation  
30 List, colleagues, we are right back to constituency politics. I worked very hard in  
31 assembling my list to work with the recommendations of the Grant's Review Panel. I  
32 understand that not all constituents are going to be satisfied with the list that I  
33 assembled and the list that I recommended, \$3.5 million in grants, which the Council  
34 has already agreed to place on the Reconciliation List. If we now add all of these other  
35 grants and then tonight and tomorrow through our staff identify which are our priorities,  
36 we are going to move further and further away from the work of the Grants Review  
37 Panel, which significantly informed my list of recommendations. I'm just laying that out  
38 there. I know that the tradition has been that we don't vote against any grants, I'm voting  
39 against these -- adding these to the Reconciliation List at my own political peril.

40  
41 [LAUGHTER]

42  
43 I understand that we have a lot of constituents that would like public dollars, but it is the  
44 public's money and at some point we must say that this amount of public dollars is

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1 available and is sustainable and is affordable. And beyond that amount, unfortunately,  
2 we may not be able to pay for it. That's my own view. Mr. Perez.

3  
4 Councilmember Perez,  
5 I had my light on inadvertently.

6  
7 Council President Leventhal,  
8 Mr. Subin.

9  
10 Councilmember Subin,  
11 I would like to add a friendly amendment, if it's okay with Mr. Silverman, to add the  
12 Class Act Arts, Inc. to his list for the Reconciliation List.

13  
14 Councilmember Silverman,  
15 That's accepted.

16  
17 Council President Leventhal,  
18 I'm not sure that's in order. We're considering Health and Human Services and  
19 Community Development grants. The Council has already acted on Arts and  
20 Humanities grants.

21  
22 Councilmember Subin,  
23 This is part of the review, it's on page 34.

24  
25 Councilmember Silverman,  
26 34, it was reviewed by the panel, the Youth Prevention Grant.

27  
28 Council President Leventhal,  
29 Oh, I see, okay, it is a...

30  
31 Councilmember Subin,  
32 It's a juvenile detention program.

33  
34 Council President Leventhal,  
35 They're treating it as a Community Development grant.

36  
37 Councilmember Silverman,  
38 It was reviewed by the panel; it got a 12.

39  
40 Council President Leventhal,  
41 It's a human services grant. Okay, very good. So, Mr. Silverman's list plus Class Act  
42 Arts is now before the Council.

43  
44 Councilmember Floreen,  
45 [INAUDIBLE]

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1  
2 Councilmember Silverman,  
3 That's next.

4  
5 Councilmember Floreen,  
6 [INAUDIBLE]

7  
8 Councilmember Praisner,  
9 What's next?

10  
11 Council President Leventhal,  
12 We've got more coming, I guess. Mr. Silverman.

13  
14 Councilmember Silverman,  
15 I just really have to comment, Mr. President. I certainly don't want to prolong this, but  
16 you put out a list, this is unprecedented in my 8 years here on the Council. No, don't --  
17 no, I know Mr. Perez put out a list. He put out a list at the end, at reconciliation But we  
18 have never had a Council President who has said "This is the list, and this is all we  
19 should consider." I respect the fact that the Council President has worked hard to  
20 accommodate a lot of interests and, you know what, that's the speech that the Council  
21 President should be giving tomorrow, when he has to explain, as we all do, why it is a  
22 bunch of stuff didn't actually get off the Reconciliation List, because there weren't a  
23 majority of the Council who wanted to support it. But this is the first time in my 8 years  
24 that anyone has accused anybody of playing constituency politics. This isn't  
25 constituency politics, this is all the same nonprofits, including several of whom are on  
26 the President's list. And if we really want to go through the commentary about getting  
27 away from the Grants Advisory Group, then let's go through the community grants  
28 recommended by the Council President and see how all of those ranked, because I  
29 know that's not what the test was. We were told to provide three grant requests to the  
30 Council President's office. We were not told, or ever told, that this was the beginning  
31 and end of any grants that would be considered by this Council. And I said before, I will  
32 say again, I do not believe for a minute that all of these grants that I'm suggesting be put  
33 on the Reconciliation List will get funded. But what I am saying is, you know what, I  
34 don't think I'm going to support all the grants that are on the President's list, I may end  
35 up supporting a total of no more than \$3.5 million in grants, which is what the Council  
36 President's list is. I may just have different ones, like the ones on my list, and so it is in  
37 that spirit that I am proposing this. But I really don't see why we need to taint the  
38 process of supporting nonprofits by suggesting this is a function of who you know or  
39 what constituency group is out there. You know, I love the people at the Ivymount  
40 School, they provide an incredible service. I haven't calculated how many votes I'm  
41 going to get from the Ivymount school, which serves our disability community, but I sure  
42 know that they ought to at least be in play so the nine of us, not the one of us, can make  
43 a determination.

44  
45 Council President Leventhal,



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1 Okay, I mean the obvious suggestion would be we just place all \$17 million on the  
2 Reconciliation List. Everything will be in play and we won't have any process at all.

3  
4 [OVERTALKING]

5  
6 Councilmember Silverman,  
7 Again, I know! I think I'm waiting for Mr. Perez' motion on that. I don't think these are  
8 either/or. I'm sure others Councilmembers have other things that didn't get on the  
9 Council President's list. and that's I thought what we were doing, like we've done in the  
10 four years of this Council and we did in the four years before that and years before.

11  
12 Unidentified Speaker,  
13 And the 12 before.

14  
15 Council President Leventhal,  
16 Okay, well, just to be clear, I consulted with all offices. I did ask for three. Those  
17 Councilmembers who gave me three got three. Some Councilmembers said, "Could we  
18 have additional ones on the President's list?" Councilmembers were accommodated,  
19 including the sponsor of the this second list. Ms. Praisner.

20  
21 Councilmember Praisner,  
22 I don't like this process at all and I don't like what we're going through now. and if there  
23 isn't anyone in the audience who is stunned by the efforts to keep naming or  
24 suggesting. First we were told they needed more defibrillators and they we're scared.  
25 And now we're identifying individual grant applicants and making comments about them  
26 individually. I'm going vote to put any Councilmember's request on the Reconciliation  
27 List. But I am also going make a motion that this Council asks staff to come back with  
28 guidelines for the process that are clearer, before this Council leaves. Not for the next  
29 Council, that has gone through this for four years and has some experience and  
30 recommendations that it should be making for the next Council about this process. First  
31 of all, we all support nonprofits. And we have relationships with some that we've made  
32 over the years by having seen the work that they do, and they are new nonprofits that  
33 are coming. And, as Mr. Perez said, are here and we want to level the playing field. and  
34 the attempt to level the playing field is, I think are the most important part. But we have  
35 to, at some point, decide what is government's role with the nonprofits and what is a  
36 reasonable expectation for both government and nonprofits. And what is the reasonable  
37 dollar amount that we can set aside each year for nonprofits. Some of the comments  
38 being made today are, I think, are just most unfortunate. And while people are trying to  
39 step up on grandstands and ladders to elevate their view and their role with nonprofits, I  
40 would urge that folks, not be swayed by that. It is hardly, hardly a measure of  
41 involvement with the community to measure it by motions made and by actions made  
42 today.

43  
44 Council President Leventhal,  
45 I have a question about your list, Mr. Silverman.

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1  
2 Councilmember Silverman,  
3 Yes, sir.

4  
5 Council President Leventhal,  
6 Just to be clear now, you have \$90,000 for Food and Friends, the Council President's  
7 list which already has passed the Council, passed includes 50,000, are you  
8 recommending...

9  
10 Councilmember Silverman,  
11 I was suggesting the other 40. And on...

12  
13 Council President Leventhal,  
14 Let's be clear then your motion is for 40 for Food and Friends.

15  
16 Councilmember Silverman,  
17 Yes, 40 and on Potomac Community Resources the motion would be to add 40 to the  
18 President's list, so that way...

19  
20 Council President Leventhal,  
21 Potomac Community Resources is recommended on the President's list for \$20,000, in  
22 Mr. Silverman's recommendation it would receive an additional \$40,000. Again just so  
23 folks understand what is going on here, for these two organizations the Council  
24 President recommended the amounts that were requested by these groups as of their  
25 February 15th deadline, which they met, in applying to the Council, which he asked them  
26 to do. Mr. Silverman is proposing that they receive money beyond that amount that they  
27 applied for. Just to be clear.

28  
29 Joan Planell,  
30 Mr. Silverman, could I ask you...

31  
32 Councilmember Silverman,  
33 You may.

34  
35 Joan Planell,  
36 On the Reconciliation List did you want to show in two increments, the base and then  
37 the addition, or just the amount that you are proposing?

38  
39 Councilmember Silverman,  
40 I'm going leave that up to the Council President to decide how he wants that.

41  
42 Council President Leventhal,  
43 It depends on this vote. My suggestion would be that the Council President's action,  
44 which has already been adopted by the Council appear on the Reconciliation List.

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1 Joan Planell,  
2 Okay.

3  
4 Council President Leventhal,  
5 And that since Mr. Silverman is asking for an increment for those groups above the  
6 amount they applied for.

7  
8 Joan Planell,  
9 Then it would be a second line.

10  
11 Councilmember Silverman,  
12 Sure, that's fine. That's fine.

13  
14 Council President Leventhal,  
15 ...that that be a second increment, should the Council agree to Mr. Silverman's list. Now  
16 we are not at this time voting on the late filed grant applications because we had a  
17 division.

18  
19 Councilmember Silverman,  
20 We split it up.

21  
22 Council President Leventhal,  
23 So the matter now before the Council is the...

24  
25 Councilmember Praisner,  
26 [INAUDIBLE]

27  
28 Council President Leventhal,  
29 Okay, Ms. Praisner has a request.

30  
31 Councilmember Praisner,  
32 Yeah, I would like to take the amounts that Mr. Silverman is suggesting, beyond what  
33 was part of the application process, and have them as a separate vote, not in this  
34 group. So that...

35  
36 Council President Leventhal,  
37 Okay.

38  
39 Councilmember Praisner,  
40 So that, in essence, there are four votes. The one we took already on the PHED  
41 Committee, Mr. Silverman's list as it reflects what was requested under the deadline,  
42 then the late files and Mr. Silverman's additional money beyond what was applied for at  
43 the time.

44  
45 Council President Leventhal,

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1 Okay, so the matter now before the Council, and I'm just going read them, just to be  
2 clear as to what is on and what is off. the Boys and Girls Clubs of Greater Washington,  
3 Community Ministry of Montgomery County, Emergency Assistance Coalition,  
4 Community Ministry of Montgomery County Interfaith Housing Coalition, Community  
5 Ministry of Montgomery County Household Furniture, Gap Buster Learning Center,  
6 Hebrew Home of Greater Washington, Independence Now, Ivymount School, Jewish  
7 Community Center Upgrade Computers, Jewish Social Service Agency Enhance  
8 Website and Online Capabilities, Junior Achievement of the National Capital Area,  
9 Korean Community Service Center of Greater Washington, Korean Community Service  
10 Center of Greater Washington Education Materials, National Association of Mentally Ill,  
11 Paradigm Athletic Inc., People's Community Baptist Church -- Now this is -- this was not  
12 a grant request, Mister.... This item did not come to us through our grants process. The  
13 People's community Baptist Church was raised subsequently as part of the discussion  
14 over the African American Health Program. And the Health and Human Services  
15 Committee resolved not to add the many requests above the three health initiatives.

16  
17 Councilmember Silverman,  
18 If I may, it's on here, page 144, it went through the grant process.

19  
20 Council President Leventhal,  
21 All right, People's Community Baptist Church, Potomac Community Resources,  
22 Services for the Visually Impaired -- I'm sorry, Potomac Community Resources is off,  
23 not in this vote -- Services for the Visually Impaired, St. Luke's House, and Washington  
24 Youth Foundation. Those in favor of adding all of these items to the Reconciliation List  
25 will signify by raising their hands. It is Mr. Knapp, Mr. Perez, Ms. Praisner, Mr.  
26 Silverman, Mr. Subin, Ms. Floreen, Mr. Denis. Those opposed will signify by raising their  
27 hands. It is Mr. Andrews and myself. Now we have those items that were not received  
28 by the Council prior to February 15th. Those would be -- how much for Food and  
29 Friends? \$50,000 for Food and Friends.

30  
31 Councilmember Silverman,  
32 \$40,000

33  
34 Council President Leventhal,  
35 \$40,000 additional for Food and Friends. How much additional for Potomac Community  
36 Resources?

37  
38 Councilmember Silverman,  
39 \$40,000.

40  
41 Council President Leventhal,  
42 \$40,000 additional for Potomac Community Resources, and the following items which  
43 came in after our deadline: Hebrew Home of Greater Washington...

44  
45 Councilmember Silverman,

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1 No, we're having four votes.

2  
3 Council President Leventhal,  
4 Well, I was treating these as anything that came in after the deadline.

5  
6 Councilmember Silverman,  
7 Oh, okay.

8  
9 Councilmember Praisner,  
10 Fine.

11  
12 Council President Leventhal,  
13 Hebrew Home of Greater Washington, Fellowship Senior Center, Korean American  
14 Association, and Korean American Seniors. Those in favor of adding these items that  
15 were received after -- what? Mr. Silverman.

16  
17 Councilmember Silverman,  
18 I just wanted, for my colleagues, the Food and Friends grant and the Potomac  
19 Community Resources came in on time. Last time I checked there was not -- just so  
20 people understand -- there was nothing, we didn't pass any motions or resolutions that  
21 suggested that subsequent to the County Executive's budget that somebody couldn't  
22 come in and say, "Oh, by the way, I would like to revise my grant request." any more  
23 that we said that if a majority of the Council wants to support a grant that didn't go  
24 through the process -- that -- if a majority of the Council wants to put it on the list, it will  
25 be put on the list. And I wanted to at least clarify, in the case of those two, that they  
26 were filed on time, they just subsequently asked for consideration for additional  
27 resources, which the Council is capable of rejecting.

28  
29 Council President Leventhal,  
30 Okay, the matters now before the Council are those that were either modified  
31 subsequent to meeting the deadline timely, or those that did not meet the deadline.  
32 Those in favor of adding those earlier listed will signify by raising their hands. It is Mr.  
33 Knapp, Mr. Perez, Mr. Silverman, Mr. Subin, Ms. Floreen, Mr. Denis. Those opposed  
34 will signify by raising their hands. It is Mr. Andrews, Ms. Praisner, and myself. And that  
35 concludes our consideration of community grants..

36  
37 Joan Planell,  
38 May I make one comment? I just want to be clear that all the -- anything that is passed  
39 in this process for community grants goes into the NDA for community grants. It is one-  
40 time only funding. It is not an ongoing amount to these organizations and it does not go  
41 into the base. If there's any Councilmember that has a request -- and we can do this, I  
42 guess, on Thursday -- that it be an ongoing request then we need to know that so that  
43 we have it in the proper place and then we don't have problems in the future.

44  
45 Council President Leventhal,



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1 Mr. Perez.

2  
3 Councilmember Perez,

4 I have two items to add totaling \$99,000. One is -- it was on the original grants it was  
5 page 15, the Association of African American Financial Advisers, \$44,000. And the  
6 other one was -- this was on the Grant Review Panel page 76, \$55,000 Impact Silver  
7 Spring.

8  
9 Councilmember Silverman,  
10 Second.

11  
12 Council President Leventhal,  
13 I thought impact Silver Spring...

14  
15 Councilmember Perez,  
16 [INAUDIBLE]...a \$20,000 item that was there. It was \$55,000 -- It's a different -- The  
17 \$55,000 item is something that we initiated last year to do something that Becky  
18 Wagner had remarkably done, but she had done it within her own budget years ago,  
19 which was trying to establish a Montgomery County coalition of nonprofits. And it was  
20 very successful but it ultimately was not sustainable, because they weren't given any  
21 independent financial support for it. So last year we added some money in the budget  
22 and we parked it at Impact Silver Spring, but they have been using it to convene a host  
23 of efforts with nonprofits. That was what the \$55,000 item was.

24  
25 Council President Leventhal,  
26 Is there objection to adding the African American Financial Advisors and the additional  
27 Impact Silver Spring grant to the Reconciliation List? If there is no objection...

28  
29 Unidentified Speaker,  
30 [INAUDIBLE]

31  
32 Council President Leventhal,  
33 Okay, then we're going to have to have a vote. Those in favor of adding these items to  
34 the Reconciliation List will signify by raising your hands. It is Mr. Knapp, Mr. Perez, Ms  
35 Praisner, Mr. Silverman, Mr Subin, Ms Floreen, and Mr. Denis. Those opposed are Mr.  
36 Andrews and myself. The items are added to the Reconciliation List. I'm also going to  
37 state, because it is germane, I am not recommending -- it is in order if any  
38 Councilmember wants to do it -- that we fund, right now, the technical assistance grant  
39 for which this Council released a request for proposals early in the year. There were a  
40 number of questions raised about the adequacy and the sufficiency of the responses  
41 received. Should the Council decide at a later time to award a grant for that purpose, we  
42 could do so through a supplemental appropriation. but it was my sense in consultation  
43 with staff that it just was not right to make an award and place that on the Reconciliation  
44 List for this budget, I want to make that clear in case any Councilmembers have  
45 questions about that. Ms. Praisner.

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Councilmember Praisner,

Yes, I would like to make a motion that's not part of the grant process, but a motion to ask the Council staff to do the work that I just suggested. I want to thank Mr. Leventhal for the work the HHS Committee has done with us. Obviously there are still significant differences of opinion among elected officials at this table as to how one should approach contractual relationships with nonprofits. And that's what this is. I hate the use of the word "grant" because everyone who receives this funding has to go through the contractual relationship with County government with outcomes and specific interactions and I would much prefer that we found a way to identify the specific needs that we want to, as a government, fund and then ask people to bring in some kind of a proposal process to respond to that. And then perhaps designate a separate amount of money for which people could come forward with proposals or requests that are outside of what government has already identified. I think we need to move that way or we're going to get in this kind of ugly process, and I think it is ugly, and that's what today has been, in my view. Everybody can take the high road -- or try to. But I think when we talk about taxpayer dollars and we talk about one-time only money which this is supposed to be, if we're generating an ongoing reliance on the part of nonprofits and we are generating a expectation that we, under ground rules that we have not fully fleshed out, I think it's unfair to everyone. And waiting until the last few days of the budget is unfair to everyone as well. And I'm not criticizing the Council President, I think he's done an incredible job trying to get a handle on this issue. And I think the work that is being done by the nonprofits is incredible as well. The whole Health and Human Service policy, as defined by Councilmembers years ago, expects a relationship with nonprofits, but it's a contractual relationship, not a grant relationship. It is not largess that we're talking about, it's work that would be done that we would identify would be done by the nonprofits. And there's equipment that could be bought, that we could help with, et cetera. But I really think we need to have the Council staff prepare and solicit input and comments from the nonprofit community, from the grant group and from Councilmembers that could provide a frame work of recommendations for the next Council, rather than assume that all of us are going to be here and be the next Council or assume that we are going to remember for next year, if we are here, what has happened this time. And I think the other issue that is raised by Ms. Planell that we have to clearly work through is this issue of what's built into the base and what's not, I'm not sure that we know what are the rationale. And we have to sit down, I believe, with the Health and Human Services Department and decide what exactly it means being built into the base. And I hope that we can do it and I can make it in the form of a motion and I'll do so.

Council President Leventhal,

I'll second it, I don't think it is going to require a vote? Is there objection to the suggestion made by the Council Vice President to the Council staff? Some lights are on, is anybody objecting? There is no objection, so we will so ask the Council Staff. Mr. Andrews.

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1 Councilmember Andrews,  
2 Thank you, Mr. President. I wanted to thank you and Ms. Praisner for the leadership in  
3 working to make this a better process than it used to be. And that may hard to believe at  
4 this point.

5  
6 [LAUGHTER]

7  
8 Councilmember Andrews,  
9 And I also want to thank the Grants Review Advisory Panel for all the very hard work  
10 they did under limited time to give us information about the 200 grant requests that they  
11 reviewed. It was very helpful to me, I think it was very helpful to a number of my  
12 colleagues in how they looked at this. And I thank them for the service and I hope that  
13 we can strengthen that, because I think that it does need to be strengthened. And I  
14 appreciate the real leadership shown by the President and Ms. Praisner in pushing this  
15 forward, it hasn't been easy.

16  
17 Council President Leventhal,  
18 Thank you, Mr. Andrews. Mr. Silverman.

19  
20 Councilmember Silverman,  
21 Thank you, Mr. President. I want to support Ms. Praisner's comments. First of all, we  
22 call them grants, but they're contracts for services. Every single one of these folks who  
23 get off the "Reconciliation List" in the form of a grant. they have a contract they have to  
24 sign with specific services that are required. And they have contract monitors in the  
25 Executive branch and it is important that everybody understands that this is not pork  
26 barrel and this is a contract for services for nonprofits. The thing that we're not talking  
27 about today... You have your signs, [INAUDIBLE] that I would suggest is something that  
28 should be part of the review for the next Council and, frankly, should be part of the  
29 review, at the risk of a little tittering out there, for the next County Executive is to take a  
30 look at the \$50 or \$60 million of grants service contracts particularly in the HHS arena  
31 with 500 or 600 organizations. Ms. Praisner is absolutely right, this is ingrained in our  
32 working relationship. We're not going to provide the services that many of the  
33 nonprofits are providing because we can't or we shouldn't, particularly when we talk  
34 about our immigrant community and the services that can be delivered by community  
35 based groups. But it seems to me, rather than having the annual ritual of focusing in on  
36 the 40, 50, 60, 80 grants that somehow rise to the top of getting on a Reconciliation List,  
37 that there ought to be a review of the base contracts that are in there to understand  
38 what services are being provided. and that, quite frankly, is really nothing that's ever  
39 happened in my eight years on the Council. And I would hope that the next Council  
40 would do that with the understanding that it's time to take a look, not at the broad policy,  
41 but how it's actually being implemented..

42  
43 Council President Leventhal,  
44 All right, that concludes our consideration of community grants. We're going to put off  
45 the revenue items, the Consent Calendar revenue items, property tax until we are done

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1 with the Churchill Cluster matter. We'll also do Legislative Journal introduction of bills  
2 and Call of bills for final reading at the end of the day. So we now have before us the  
3 work session on the Seven Locks Elementary School replacement project. [Eric  
4 Bernard], are you here for the Expedited Bill 16-06?

5  
6 [Eric Bernard,]

7 Yes, sir.

8  
9 Council President Leventhal,  
10 We could just do that, I don't think it's going to take very long. Let's just do that. We  
11 know you have work to do. Mr. Knapp, could you just talk us through, real quick -- Let's  
12 just take up -- No, I don't think -- the others are not easy, but this one's easy.

13  
14 Unidentified Speaker,  
15 [INAUDIBLE]

16  
17 Council President Leventhal,  
18 Say what now?

19  
20 Councilmember Praisner,  
21 Oh, it is?

22  
23 Councilmember Perez,  
24 Why is the Urban District [INAUDIBLE]. I thought that bill was being taken off.

25  
26 Councilmember Praisner,  
27 That's what I thought.

28  
29 Council President Leventhal,  
30 Where is that?

31  
32 Councilmember Perez,  
33 Am I looking at the wrong one? I'm looking at agenda for...

34  
35 Council President Leventhal,  
36 The version I have is doesn't have it. Okay, let's focus here, we can get through this  
37 very quickly. I know the Fire and Rescue Service people have important work to do.  
38 We're going to take up Agenda Item 6. We'll do it very quickly. And then we'll get to the  
39 Seven Locks Replacement School. Expedited Bill 16-06: Mr. Knapp, lead member for  
40 Fire and Rescue.

41  
42 Councilmember Knapp,  
43 Thank you, Mr. President. This Bill clarifies that the CAO in administering the County  
44 merit system determines the proportional requirements for County merit system  
45 firefighters. And this was expedited in an attempt to get this done before the next recruit



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1 class or the next promotional round takes place. And we had a discussion in the Public  
2 Safety Committee last week. Mr. Subin made a couple of clarifying amendments I would  
3 turn it over to Mr. Faden or Assistant Chief Bower to see if they have any additional  
4 comments. The committee was unanimous in it's recommendation.

5  
6 Council President Leventhal,  
7 Okay, there are no comments. We need a role call vote. The clerk will call the roll.

8  
9 Council Clerk,  
10 Mr. Denis?

11  
12 Councilmember Denis,  
13 Let the record note my first word today is "yes."

14  
15 Council Clerk,  
16 Ms. Floreen?

17  
18 Councilmember Floreen,  
19 Yes.

20  
21 Council Clerk,  
22 Mr. Subin?

23  
24 Councilmember Subin,  
25 Yes.

26  
27 Council Clerk,  
28 Mr. Silverman's not here? Mr. Knapp?

29  
30 Councilmember Knapp,  
31 Yes.

32  
33 Council Clerk,  
34 Mr. Andrews is not here? Mr. Perez.

35  
36 Councilmember Perez,  
37 Yes.

38  
39 Council Clerk,  
40 Ms. Praisner?

41  
42 Councilmember Praisner,  
43 Yes. He'll be back in a minute.

44  
45 Council Clerk,



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1 Mr. Leventhal?

2  
3 Council President Leventhal,  
4 Yes, the bill passes. It's unanimous among those present. Is Mr. Andrews available to  
5 vote?

6  
7 Councilmember Praisner,  
8 Well, I'm sure, we he here...

9  
10 Council President Leventhal,  
11 Mr. Andrews, Phil, say yes.

12  
13 Councilmember Praisner,  
14 Yes. Please, please. Fire.

15  
16 Council President Leventhal,  
17 Mr. Andrews votes yes. It is unanimous among those present. The vote is 8-0.

18  
19 Councilmember Subin,  
20 Steve, say yes.

21  
22 Councilmember Silverman,  
23 Yes.

24  
25 Council President Leventhal,  
26 Oh, he's here, it's 9-0. Okay, very good. Thank you to our Fire and Rescue Service, go  
27 put out some fires.

28  
29 Councilmember Perez,  
30 We almost called you to come here!

31  
32 Councilmember Subin,  
33 You better stick around.

34  
35 Councilmember Praisner,  
36 There was smoke, but there was no fire.

37  
38 Councilmember Subin,  
39 You don't get paid by the fire.

40  
41 Councilmember Praisner,  
42 It's out in the hall.

43  
44 Councilmember Subin,  
45 We may need you. Stay here, Eric.

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Councilmember Praisner,  
It's out in the hall.

Council President Leventhal,  
Now before the Council is our work session on the Seven Locks Elementary School Replacement Project and other Churchill Cluster issues. Chairman Subin.

Councilmember Subin,  
Thank you, Mr. President. The Committee is bringing before the Council its latest judgment on the MCPS latest proposal regarding relief to the Churchill Cluster which was brought to us yesterday President Haughey represented the Board along with Vice President Cox and Board member O'Neal. The Board had not taken a formal vote on this because of... This has certainly been a moving target and they did not have time to do that, and had they done that it would have required a time element which we could not have met in this budget. But according to Chairman Haughey five members had voiced support, one Board member had voiced concern, one was absent and out of town, and the student Board member had voiced support for it. They are two pieces of paper, one sent out by Dr. Orlin this morning on the fiscal impacts of the Committee's recommendation and Mr. Levchenko has given us a packet as a result of that, but he's saying to me that it's already outdated. So what I'll do is just go off of...

Council President Leventhal,  
We're in the post-packet world today.

Councilmember Subin,  
We're either the post-packet world, Mr. President, or the rapidly packeting world, one of the two. But I do have what I believe are all of the elements of what the Committee did. At the outset we did note that we concede that on both sides of this issue, or all three sides, or all four sides, depending on how you count them. There have been perceptions and misperceptions and malperceptions and missteps and malsteps and big and little steps and forward steps and back steps. It is the Committee's, no matter where we came on yesterday's vote and where we may end up today, it is the Committee's very strong desire that we put all of that behind us and that we all look at the bigger issues of the, first of all the cluster needs and how we address those, which are very complicated and there are a lot of moving parts here that needed to be fit together. And most of all, we believe that it is in the best interest of our youngsters that we come to some kind of an agreement and put this behind us, so we can refocus all of our efforts on them. There are four pieces to this, and in no special order, just as I was throwing them down on the paper, the first is Seven Locks itself. And based on the proposal that came from Dr. Weast and Dr. Haughey's comments, the Committee is recommending the following: that Seven Locks be returned to its original place in the modernization schedule, which would be fiscal '10 and '11, and that several things happen. That it be constructed with a gym as was to be done at Kendale, that in the interim that, I would guess PLAR monies be utilized for maintenance there. Wherever



1 the moneys are I would imagine at this point it would come out of PLAR. Staff had  
2 estimated the cost of the addition and the gym at \$13.2 million. It was the sense of the  
3 Committee that that would not be sufficient, that we would need \$15 million for two  
4 reasons: one, the \$13.2 was based upon the cost of modifications and modernizations  
5 as are being looked at. And even though this was a smaller facility, it's initially planned  
6 to be \$13 million with the gym was still a little low. So we felt that the \$15 million would  
7 better reflect the actual costs. That in addition to the gym and the modernization and  
8 that an addition also be placed on the facility, the size of the addition to be determined  
9 during a feasibility study which we presume would begin next year. That there is a clear  
10 perception and fear in the Seven Locks community that the school could be closed. The  
11 Superintendent and Dr. Haughey stated quite adamantly that that was not the case  
12 however the Committee is recommending that verbage be placed that it is our sense  
13 that the school will remain a functioning elementary school for the future. That the  
14 addition would be used to provide additional space and flexibility for the rest of the  
15 cluster. For Bells Mill, we are recommending that that facility be accelerated one year  
16 with construction beginning in fiscal '08. Bells Mill would then essentially replace Seven  
17 Locks in the accelerated schedule to relieve the overcrowding at Potomac Elementary.  
18 And, again, we understand the issue that there is a perception that there is queue  
19 jumping here but, first of all, Bells Mill is simply replacing Seven Locks as the relief  
20 facility and neither Seven Locks or Bells Mill, we could have found a rationale or  
21 justification for moving up without the addition of the cluster relief. So it was a dual piece  
22 that would allow any facility to be accelerated. Bells Mill would get an addition to  
23 accommodate excess enrollment in the Churchill Cluster, Bells Mill would get that  
24 addition, plus a gym. For Potomac Elementary, the School System's estimating a million  
25 dollars in relocatable classrooms and PLAR. I believe that the PLAR would be a double  
26 count. So some piece of that million dollars could be backed out because the money's in  
27 the PLAR budget anyway. So you can show it either in the Potomac Elementary PDF  
28 and reduce PLAR by a similar amount, or just leave it in PLAR. I think from a tactical  
29 standpoint it doesn't make any difference, whatever folks are more comfortable with.  
30 That beginning in July there would be a feasibility study that would look at the internal  
31 needs of Potomac Elementary and whatever needs came out of that would be reflected  
32 in the FY '08 amendments to the FY '07-'12 CIP So we will see those -- the Council will  
33 see those starting in November with the Superintendent's recommendations and then  
34 coming through the rest of the process. There would then be a three school boundary  
35 study involving Potomac Elementary, Seven Locks Elementary, and Bells Mill  
36 Elementary. It would be done in accordance with this administration's community-based  
37 boundary studies, which the community would go in and the community would make the  
38 decisions, look at the opportunities, and make the decisions. With that, while we  
39 recognize that we have no strong say in that, the Committee was recommending very  
40 strongly and the Superintendent and Board President agreed that no child would move  
41 more than once. That is a concern with many members of the community and that  
42 included whether they went from one school to another, that they wouldn't go to a third  
43 school, that they wouldn't move from their school to a holding school, back to their  
44 ultimate school or to their ultimate school, to a holding school, and back. One time, that  
45 as the result of this process, one kid, one move. Now, we all recognize that if parents

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1 decided to move their home or there were other family issues involved, that that could  
2 happen again. But simply as a result of moving all of these around, it would only happen  
3 once. So the Committee's recommendation stands, which was on a 2-1 vote, would give  
4 Seven Locks its modernization, plus a gym, plus an addition, plus put the additional  
5 moneys in. We were not prepared yesterday to state what the size of the addition would  
6 be, because of the concerns that the administration has with the site and just how big it  
7 can be, which is what got them off the site in the first place. Bells Mill would then  
8 replace them in the acceleration, but rather that a two-year acceleration it would be one-  
9 year and Potomac Elementary would get its enrollment relief and a feasibility study  
10 regarding its needs. Mr. Denis.

11  
12 Council President Leventhal,  
13 Mr. Denis.

14  
15 Councilmember Denis,

16 Thank you, Mr. President. Thank you, Mr. Chairman. I have a friendly amendment, and I  
17 would like to reserve time as well so in the amendment flies that I may be able to make  
18 some comments on the plan overall. First the wind-up, and then the pitch. We would  
19 not be here today if it were not for community members expressing themselves in a  
20 clear voice. I applaud the community, all the communities, for their diligence and  
21 perseverance, which has helped this Council to reject the flawed plan for Kendale. This  
22 is a tribute to the neighborhood coalition that took on city hall and got a fair shake. No  
23 one will be getting everything they want, but I believe that with the friendly amendment  
24 everyone will get what they need, and this is not only fair, but more than fair. If my  
25 friendly amendment is accepted by the Chairman and becomes part of the  
26 Superintendent's plan, I'll support it. I moved in Committee yesterday an amendment to  
27 the Superintendent's proposal to immediately build an addition to Seven Locks  
28 Elementary School. I believe that doing so would give the community the life insurance  
29 that we need to move forward. It's now been refined following the Chairman's favorable  
30 reception in principle to the concept. I understand the concerns about beginning of the  
31 two-step project at Seven Locks; first an addition and then a modernization in 2011.  
32 However, I believe it needs to clearly be said by the Council and the Board that Seven  
33 Locks will remain a viable Elementary School. In order to do this I propose the following  
34 changes to the Superintendent's recommendation and the existing Seven Locks Project  
35 Description Form, PDF, that I believe will accomplish that. These changes are as  
36 follows: 1. Add a 4-8 classroom addition to Seven Locks to be constructed with its  
37 modernization in FY '10-'11. The additional capacity at Seven Locks Elementary School  
38 will be used as part of the cluster-wide capacity solution. 2. The following funds will be  
39 accelerated: 1. Facility planning for modernization and addition - \$50,000 in fiscal year  
40 '07. 2. Planning and design \$400,000 in fiscal year '08 and \$450,000 in fiscal year '09.  
41 3. Capacity at Bells Mill can be reduced by an amount to be determined once the size of  
42 the Seven Locks addition is determined. To accomplish this the following specific  
43 language should be added -- and must be added to the project description form, "This  
44 project provides funds for a modernization and a 4-8 classroom addition to the Seven  
45 Locks Elementary School facility at the corner of Bradley and Seven Locks Road. This

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1 additional capacity at Seven Locks Elementary School will be part of the cluster-wide  
2 capacity solution for the Churchill Cluster. Seven Locks Elementary School will remain  
3 an open and functioning educational facility for students in kindergarten through fifth  
4 grade." That's my friendly amendment, Mr. President, Mr. Chairman.

5  
6 Councilmember Subin,  
7 Chairman accepts it as a friendly amendment. Mr. Knapp, it's a unanimous Committee  
8 recommendation.

9  
10 Council President Leventhal,  
11 Okay, the Committee recommendation is now before the Council and I know there are a  
12 number of Councilmembers who will have questions, including myself. Mr. Denis, I'll ask  
13 you or I'll ask the Superintendent, or President Haughey, if your amendment were in  
14 place, what would that mean the core capacity at Seven Locks would be.

15  
16 Dr. Jerry Weast,  
17 The additional capacity, we use about...

18  
19 Council President Leventhal,  
20 Yeah, press your button. I'm sorry the rules are, we all know who you are...

21  
22 Dr. Jerry Weast,  
23 Jerry Weast, Superintendent of Schools. And the additional capacity, you can add about  
24 23 students per classroom. And we'll be taking a look -- and I do agree with the  
25 language and support it, along with the Committee -- and we'll have to do our planning  
26 on it, of course, and we have the money to do that planning and we'll see how best the  
27 site for -- somewhere between 4-8 classrooms. And again that will look at the capacity  
28 there. They are about 2,500 kids in the whole area, and by working this out right we'd  
29 probably be 100, 150.

30  
31 Council President Leventhal,  
32 And the next question is if these classrooms are added at Seven Locks, is there still a  
33 need for the 740 core at the Bells Mill?

34  
35 Dr. Jerry Weast,  
36 We'll probably take a look at about a 640 core at Bells Mill now, because that would  
37 probably work for the capacity. When we took a look at the whole -- we have two  
38 schools out there with the 600 right now. This would work with a 640 core.

39  
40 Council President Leventhal,  
41 This next question is on behalf of our staff, Dr. Orlin. We're really going to need to know  
42 the dollar amounts so if that if the Bells Mill proposal were down to a 640 core, if that  
43 saved some millions of dollars, we need to know that this afternoon, 'cause we're trying  
44 to balance the CIP in real time.



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1 Dr. Jerry Weast,  
2 And we'll cooperate as soon as votes are taken. And the quicker the votes are taken,  
3 the quicker we can cooperate.

4  
5 Council President Leventhal,  
6 Ms. Praisner.

7  
8 Councilmember Praisner,  
9 Well, I'm still a little confused because It sounds to me like a 4-8 classroom addition is a  
10 big swing. And 100 students only leave Seven Locks with 300 and some students in  
11 comparison and doesn't really balance the enrollment in the cluster. And since your  
12 original proposal for Seven Locks was to build on Seven Locks a full school, before  
13 Kendale was introduced, I'm unclear why we have to have such a big swing in the  
14 number of classrooms at Seven Locks. It would seem to me if we want to have an effort  
15 to balance capacity and if Seven Locks is an integral part of that balance, we should be  
16 looking at the higher end of that addition, not at the lower end.

17  
18 Dr. Jerry Weast,  
19 Again -- may I speak?

20  
21 Multiple Speakers,  
22 Yeah. Sure.

23  
24 Dr. Jerry Weast,  
25 That's going to have to be flexible. Again that site is a technically challenging site, as  
26 we've said before. If it's done in conjunction with its modernization it becomes less  
27 problematic because the kids aren't there. And we also are looking at in the outyears  
28 here, '10 and '11, and in Montgomery County things switch around real quick as far as  
29 numbers of students. And we may be pushing the upper end, 4 is about all you need  
30 right now to keep your balance, to keep it around a 400 school. And you may be  
31 pushing it at the upper end if you get some growth out in that area.

32  
33 Councilmember Praisner,  
34 Well, what If I may ask...

35  
36 Dr. Jerry Weast,  
37 I don't know that we could get a...

38  
39 Councilmember Praisner,  
40 I love the fact that that site is so technically challenged when it was the original  
41 proposal. So I'm having problems with that, Mr. Superintendent, but what would be the  
42 enrollments at each of the schools then if you're only adding 100 students to Seven  
43 Locks? Would it be 350, and then what would the enrollments at the other two schools  
44 where we're attempting to balance?

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1 Dr. Jerry Weast,

2 I would beg to bring back to your memory, when I know you have an excellent one, that  
3 the Board of Education held a hearing on that particular addition. And the addition,  
4 because it wasn't going to be done with the modernization, is the precipitating factor that  
5 created the Kendale recommendation.

6  
7 Councilmember Praisner,

8 Yeah. No, I understand all that. But my point was the original proposal was more  
9 complicated by being a two-piece part. As I understand the proposal now is to do the  
10 addition at the same time with the modernization, which has the students not on-site,  
11 which allows some flexibility in design from a standpoint of going up rather than out.  
12 This is a fairly flat site. I'm still anxious to not have Seven Locks sit out there as an  
13 anomaly in the County from a stand point of capacity. My side of the County has very  
14 large schools. In fact, if we're talking about a challenge, I would remind everybody that  
15 Galway is going to an old holding school, Fairland Center, and is going to need 16  
16 portables, I was told, on the holding school site, and possibly some options that might  
17 even have some students remaining on-site while the school is modernized. So there  
18 are lots of challenges across this County. Some for larger schools, some for smaller  
19 schools. What I'm anxious to do, and I'm interested in Mr. Denis' proposal, but I'm not  
20 there yet. Until I understand what the ultimate outcome is for each of the schools in the  
21 cluster. And I understand Bells Mills has -- was from a fact score and from an  
22 expectation, would have been the first school modernized. But we haven't heard  
23 anything about Bells Mill until we heard about the relocatables. And I know that was is  
24 the immediate issue and we're responding to that issue by replacing those relocatables.  
25 We're not the Board of Education, and I don't want to be the Board of Education. I've  
26 done that job, done it during a time when we were doing school closures in the Churchill  
27 community and those areas were not immune to that, as well. So we've all gone through  
28 this before and we're going to come back again and again. I want to ensure that when  
29 we're balancing enrollment, the arguments later on, when the community has to go  
30 through -- and I think all of us are responsible for putting the Churchill community in a  
31 very tenuous situation when they have to look at boundary changes. And I don't know  
32 what you mean by a Superintendent who says you'll defer to the community on  
33 boundary changes, because I've never seen a superintendent totally defer to a  
34 community, or a board totally defer to a community on boundary changes. And to ask  
35 this community to come together and do a difficult task, given where we have all put  
36 them, is going to be even more difficult, But to put the addition at a school which is not  
37 situated such that you aren't going to have some dominoes associated with it, means  
38 it's going to be even more challenging. So I want to know how we can strengthen the  
39 size of Seven Locks such that we are balancing enrollment and having fewer students  
40 that are going to need being "dominoed" because of the geography we're talking about.

41  
42 Larry Bowers,

43 Basically the proposal that is being suggested would have, as indicated, Seven Locks  
44 would be around 400 students give or take, depending on the number of classrooms.  
45 Providing relief to Potomac, you know they're currently at 411, again they'd be in the low

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1 to mid-400 range. And then we'd have three schools that would be around 600, the  
2 capacity would be around 26 -- in the whole cluster would be about 2,600 or 2,650.  
3 Utilization would be somewhere around 92, 93, 94, 95% based on the current projects.  
4 So you'd have a couple of schools low to mid-400s, three schools low to mid-600s to get  
5 again a capacity that a utilization around that figure.

6  
7 Councilmember Praisner,

8 Help me with capacity and enrollment because I'm looking not just at capacity, and  
9 obviously going to the state for some state funding, capacity is a function of what the  
10 state will allow us to build, from a standpoint of state funding. So, and that's based on  
11 the overall enrollment for the cluster. I've seen the state and I've been there when the  
12 state has said no to Board of Education proposals for construction of new facilities  
13 across the state and for modernizations because they felt the capacity could be better  
14 achieved elsewhere or that the capacity already existed elsewhere in a cluster and it  
15 turned down school system requests because when it believed that just with a boundary  
16 change you could accommodate. And since Bells Mill would be done first Seven Locks  
17 modernization would be at risk from a standpoint of the capacity of that renovation that  
18 the state would approve -- renovation and addition -- modernization and addition that  
19 the state would approve if it believed that the capacity already existed elsewhere in the  
20 cluster. And that would make, in my view, a convenient argument for putting Seven  
21 Locks in a destabilized situation. So it seems to be that right from the beginning the  
22 issue needs to be that we don't overload capacity in the buildings that we do first such  
23 that we then jeopardize the next two capacities, whether they are Potomac or Seven  
24 Locks because the state sees these issues as a cluster, as we do. and the convenient  
25 capacity to realign boundaries has always been the first rationale that the state uses for  
26 saying no to a project. That's reality, and anybody who disagrees with me, show me  
27 where it hasn't happened before.

28  
29 Larry Bowers,

30 I think that the resolution that your fellow Councilmembers have presented to you does,  
31 in fact, do that. That is the amendment's that have been presented. This is well within  
32 the state's 90 to 100% utilization. And we're talking about the mid-90 percents, there's  
33 not that much additional capacity in those numbers that I've shared with you. So I think  
34 this does, in fact, meet the state requirements.

35  
36 Councilmember Praisner,

37 Thank you, Larry, that helps. I think, Mr. Denis, I would feel more comfortable if it were a  
38 6-8 classroom addition at Seven Locks. And also if the bullet on capacity at Bells Mill  
39 said "Capacity at Bells Mill will be reduced," not can be.

40  
41 Council President Leventhal,

42 Okay, is that a motion.

43  
44 Councilmember Praisner,

45 Well, I'm seeing if Mr. Denis would accept that.

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1  
2 Council President Leventhal,  
3 Mr. Denis.

4  
5 Councilmember Denis,  
6 I have no changes to make to my motion.

7  
8 Councilmember Praisner,  
9 Okay, well then I'll make that as a motion.

10  
11 Council President Leventhal,  
12 All right, is there a second for Ms. Praisner's motion.

13  
14 Councilmember Andrews,  
15 I'll second it.

16  
17 Council President Leventhal,  
18 Mr. Andrews has seconded the amendment. Mr. Perez is out of the room, his light is on.  
19 Let me just ask this question, which site -- what are the sizes of the two sites, Bells Mill  
20 and Seven Locks?

21  
22 Richard Hawes,  
23 Seven Locks is 10 acres and Bells Mill is 9.6; they're pretty comparable.

24  
25 Council President Leventhal,  
26 Okay, so I've never understood why there's so much interest in building a larger school  
27 at Bells Mill and the concern about building -- that we can't build a larger school at  
28 Seven Locks. Seven Locks is larger than Bells Mill.

29  
30 Larry Bowers,  
31 The issue that we've shared about Seven Locks is the issue of the -- the traffic issues.  
32 And one of the things that we shared in terms of egress -- ingress and egress to that  
33 site, how that's going to work, traffic patterns around. And so that's been the issue that  
34 we've raised about how you deal with those traffic issues, And how we're going to have  
35 to deal with those issues in a site that's very different from the traffic perspective, and  
36 what we're going to have to do the site to address those issues.

37  
38 Council President Leventhal,  
39 Okay, well, Chairman Subin, did you have additional comments to make at this point?  
40 Your light is on.

41  
42 Councilmember Subin,  
43 Well, and Chairs used to keep their lights on. I'll just say that the ability to do what Ms.  
44 Praisner asking for is in the amendments that Mr. Denis has made. The balancing is  
45 there, that all will be looked at both with the feasibility study that will be done for Seven

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1 Locks this year in time for the construction at Bells Mill. And then in the boundary study  
2 when they figure out that balancing will be done. The ability to do it is all ready there  
3 without narrowly constricting what can be done. And this is an issue that the Board and  
4 Superintendent have to come to at the end of the day and what they feel is safe for that  
5 site and what the needs of the cluster are.

6  
7 Council President Leventhal,  
8 Well, it appears to me that we're ready to vote, but Councilmembers are absent, having  
9 conversations on the side. Could somebody let Councilmembers that a vote is imminent  
10 on Ms. Praisner's amendment?

11  
12 Councilmember Praisner,  
13 They're outside.

14  
15 Council President Leventhal,  
16 And is Councilmember Perez, I understood he was just outside, I think he's going to  
17 want to be present for this vote.

18  
19 Keith Levchenko,  
20 Could we get one bit of clarification from the School System...

21  
22 Council President Leventhal,  
23 Mr. Levchenko.

24  
25 Keith Levchenko,  
26 ...as they understand the capacity at Bells Mill under Councilmember's suggestion. I  
27 guess it was implied earlier, you'd be looking at whether it would be a 640 or a 740 core.  
28 Although the initial build of seats recommended in the proposal I think, was 620 seats,  
29 which you could do with a 640 core, obviously. And so my question is whether MCPS is  
30 confident at this point that a 640 core would be adequate under the circumstances. And  
31 that, if it is, then that would, I think, make Ms. Praisner's concern moot.

32  
33 Council President Leventhal,  
34 It would also save a bunch of money on the CIP, which we are in dire need of.

35  
36 Keith Levchenko,  
37 Well, that's right. We would also bring it back to a 640 core facility...

38  
39 Multiple Speakers,  
40 [INAUDIBLE]

41  
42 Council President Leventhal,  
43 That's what I'd heard Dr. Weast say.

44  
45 Dr. Jerry Weast,

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1 Yeah, that's what I said.

2  
3 Councilmember Subin,  
4 Mr. Levchenko's point about the mootness is the part of the point that I'm making.

5  
6 Dr. Jerry Weast,  
7 Understand. Understand.

8  
9 Council President Leventhal,  
10 But what would the PDF reflect a 640 core or a 740 core?

11  
12 Keith Levchenko,  
13 That's what I was trying to clarify. The schools sounded like they were...

14  
15 Dr. Jerry Weast,  
16 We were looking at a 640 core on this.

17  
18 Council President Leventhal,  
19 Let me state for the benefit of colleagues, and I'm a colleague too, for my own benefit.  
20 What I understand is now before the Council is Ms. Praisner's amendment to the  
21 Committee's unanimous recommendation that would... What the Committee has  
22 unanimously agreed to is Mr. Denis' suggestion that the 4-8 addition to Seven Locks be  
23 constructed. Ms. Praisner would change that to a 6-8 classroom addition. That is the  
24 amendment now before the Council. Is there discussion on that amendment? Mr. Perez.  
25 Okay, and also -- I'm sorry -- capacity at Bells Mill will be reduced by an amount to be  
26 determined once the size of the Seven Locks addition is determined.

27  
28 Councilmember Subin,  
29 That's the point. [INAUDIBLE]

30  
31 Council President Leventhal,  
32 Well, it says "can be reduced." I gotta understand, what is the objection to this? I mean  
33 if we're going to do 4-8... What's the difference between 4-8 and 6-8 and can and will.  
34 Why do we need a contested vote on this, Dr. Weast. Can't we just agree to Ms.  
35 Praisner's amendment? I mean here we're forced to choose among what Mr. Denis said  
36 for his own community. Can we live with Ms. Praisner's suggestion? Dr. Weast?

37  
38 Dr. Jerry Weast,  
39 [INAUDIBLE]

40  
41 Council President Leventhal,  
42 Does the school system have objection to Ms. Praisner's -- this doesn't sound like a  
43 very large change.

44  
45 Dr. Jerry Weast,



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1 The Committee has spoken. I'm supporting the Committee's recommendation Mr. Denis  
2 has made.

3  
4 Council President Leventhal,  
5 Right, but there's nine Councilmembers and we're trying to figure out whether we can  
6 come to an agreement here. Does the School System object to the proposal that  
7 instead of a 4-8 classroom addition the language state a 6-8 classroom addition, and  
8 instead of the language saying "Capacity at Bells Mill can be reduced" that the language  
9 state, "Capacity at Bells Mill will be reduced? These are two, to my read, as a, you  
10 know, someone who's gotta vote on this, they seem like minor adjustments. Can the  
11 School System live with this?

12  
13 Keith Levchenko,  
14 My concern is the that Bells Mill language is -- under any circumstance, Bells Mill  
15 capacity is actually increasing with its modernization, whether it's up to 640 or 740.. So,  
16 this language is a little confusing. It's being reduced from what is proposed, not from  
17 what it is now.

18  
19 Councilmember Praisner,  
20 Right.

21  
22 Keith Levchenko,  
23 So I think it would be better if you picked a number and put it in there, rather than saying  
24 it'll be reduced.

25  
26 Councilmember Praisner,  
27 But that's Mr. Denis' motion.

28  
29 Keith Levchenko,  
30 Right, whether you say "can" or "will" though, either way I think it's confusing.

31  
32 Councilmember Praisner,  
33 Well, I was just, if I may, my motion only related to the fact that it left it a little open and  
34 if...

35  
36 Council President Leventhal,  
37 I have a suggestion.

38  
39 Councilmember Praisner,  
40 I had no problem, if "can" or "will" is the problem, leave "can" there. My only concern is,  
41 it's not the existing capacity, it's the planned capacity, if that's what you're talking about.

42  
43 Council President Leventhal,  
44 Could I make a suggestion? If I'm following this, which I know it's hard for all of us,  
45 there's a lot of moving parts here. we would need -- the Council would need to

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1 amendment the Bells Mill PDF in any event. And what I've just heard the  
2 Superintendent state is that it's the School System's intent to have a 640 core at Bells  
3 Mill. And, Ms. Praisner, it seems to me, if I'm following this correctly, that we could  
4 include either in this motion or a subsequent motion that the Bells Mill Replacement  
5 Project, which is a new PDF, would state that it would have a 640 core? Am I correct?

6  
7 Keith Levchenko,  
8 It's an existing sub-project within a modernization program.

9  
10 Councilmember Subin,  
11 Mr. President, I believe that the Committee put its recommendation the way it was  
12 amended by Mr. Denis, could easily accept the 640 core at Bells Mill, which would then  
13 be begin to drive other issues, without narrowly constricting the School System and the  
14 community and how that is addressed.

15  
16 Council President Leventhal,  
17 So I understand from Ms. Praisner that if we act to establish a 640 core at Bells Mill,  
18 then that addresses the second item on Ms. Praisner's amendment and she will  
19 withdraw that item. With respect to 4-8 or 6-8 classrooms, really, what is the difference;  
20 we're so close here.

21  
22 Dr. Jerry Weast,  
23 Well, I believe the 640 does it. That's what we believe, we believe it drives what will be  
24 there.

25  
26 Council President Leventhal,  
27 Ms. Praisner, are you satisfied? There's an amendment pending before the Council.

28  
29 Councilmember Praisner,  
30 The 640 core will mean that the Seven Locks classroom capacity will be towards the  
31 greater end, not the lower end?

32  
33 Dr. Jerry Weast,  
34 Yes, yes, yes.

35  
36 Councilmember Subin,  
37 That is correct.

38  
39 Councilmember Praisner,  
40 Then I will withdraw my motion.

41  
42 Council President Leventhal,  
43 Ms. Praisner's amendment has been withdrawn, the recommendation of the Education  
44 Committee is now before the Council. Mr. Denis.

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Councilmember Denis,  
Thank you, Mr. President, I sense that the soufflé is rising and the soufflé only rises once. And I just have a few comments to make, and I appreciate everything. It can hardly escape our attention that just to the south of Montgomery County the District of Columbia School Superintendent Clifford Janey is struggling to close schools. Our struggle is a happier one. New schools, modernizations, additions, but it's a struggle nevertheless. I read a book a number of years ago, "All I really need to know I learned in Kindergarten." An appropriate book now as we expand all day kindergarten and work with Elementary Schools and PTAs and communities who love their schools and understand how important these facilities are to their neighborhood. In that book, there were important lessons for grown ups to teach children of tender years and themselves. The first lesson in the book: "Share everything." We teach it to our kids, we must practice it ourselves. Number two, the second lesson: "Play fair." Third lesson: "Clean up your own mess." Fourth lesson: "Say you're sorry when you hurt somebody." This is basically conflict resolution. It's easy to get along when times are good and there are no problems. The test comes when they are problems and we are judged by our ability to resolve disputes. And the fifth point, "Watch out for traffic," we've heard a lot about that. "Hold hands," maybe we should do more of that and "Stick together." We certainly should do more of that. A Council and a School Board which would agree at once on every question would be no better than having a single dictator. I have striven to find a rational middle ground, and I believe that this provides the missing piece. We have been guided by patience believing that the best way to have a chicken is to hatch the egg, not to smash it. We have sought an agreement which can only be made by people with whom you disagree. I have sought to avoid a nuclear option with its mutually assured destruction. A Pyrrhic victory which comes at heavy cost to the victor. I've been thinking a lot about King Pyrrhus in the last couple of weeks. He defeated the Romans in 273 B.C. at the battle of Heracles. And afterwards he is said to have remarked that "another such victory over the Romans, and I will be completely undone." Hence the phrase "Pyrrhic victory." A victory in which your losses are unacceptable and a de facto defeat in the long run. I recall the real case of Somerset versus Hornbeck and the Charles Dickens' fictional case of Jarndyce versus Jarndyce in "Bleak House." Somerset versus Hornbeck I think is very instructive, and should be. I knew Dave Hornbeck quite well. He was the State Superintendent of Education for a while, and as everyone should know the State Superintendent is not appointed by the Governor, but by the State Board of Education. And there came a time when, following a commission report, known as the Linowes Commission after Bob Linowes here in Montgomery County who headed that commission. that the Baltimore City said to Montgomery County, "We want more of your money for education," 'cause there's something here in the Constitution that was defined to be equalization; he took the word and made it equalization. It's difficult to argue against any form of equalization. So there was litigation after the Legislature basically rejected the Linowes Commission with its taxing -- with its revenue measures. And in a convoluted way that cases proceed rather than that being Baltimore City versus Montgomery County, it was Somerset versus Hornbeck. Somerset as in Somerset County. After 7 years of litigation, the result was inconclusive. And in the course of that 7 years, this is how some of our litigation goes, maybe especially in the

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1 field of education. In the course of 7 years of litigation the defendant basically became  
2 the plaintiff, Dr. Hornbeck wound up testifying for the plaintiff, basically testifying for  
3 Baltimore City against the Montgomery County. But de facto, we won the case, because  
4 nothing happened. Then what happened? A couple of years later we had the Thornton  
5 Commission and that was adopted four years ago and we're still trying to find all the  
6 money to do that. Basically saying you have to take care of the less affluent first, before  
7 any of the more affluent parts of the state can be accommodated. And the Charles  
8 Dickens fictional case, of Jarndyce versus Jarndyce, where litigation dragged out from  
9 generation to generation until the litigants ran out of money to pay their lawyers, and the  
10 judge forgot what the case was all about. As Shakespeare wrote, "You can call spirits  
11 from the briny deep. Aye, but will they answer when you do call them?" You can ask for  
12 a lot, but it's difficult to get everything you ask for. Mr. President, I had the honor of  
13 reading your letter Friday night to the Montgomery County Civic Federation with the  
14 Churchill quote. I was very honored to do that. I would like to offer today a different  
15 Churchill quote for the Churchill Cluster and to all others. It was his dedication to his  
16 four-volume Pulitzer Prize-winning history of World War II. Churchill said he knew that  
17 history would be kind to him, because he intended to write it himself. And he did and it  
18 was. And in that dedication Churchill said, "In war, resolution; in defeat, defiance; and in  
19 victory, magnanimity; in peace, goodwill. And this war is over. And it is time for  
20 magnanimity and peace to be asserted. Thank you, Mr. President.

21  
22 Council President Leventhal,  
23 Mr. Andrews.

24  
25 Councilmember Andrews,  
26 Thank you, Mr. President. I know that a number of colleagues and I have received  
27 written communication from folks around the County who are concerned that whatever  
28 the Seven Locks solution was, that it not have an effect of putting the other clusters off  
29 schedule. And so I would like to have some assurance from Mr. Subin, as Chair of the  
30 Education Committee, and also from the School System about that.

31  
32 Unidentified Speaker,  
33 This -- Mr. Andrews, that is a valid concern and legitimate one across the County.

34  
35 Councilmember Subin,  
36 And we were very sensitive to the issue of the queue. In this latest version it's simply  
37 substituting Bells Mill for Seven Locks in the acceleration. And, in fact, it happens a year  
38 later that it would have with Seven Locks. Seven Locks was moved ahead originally off-  
39 site, which would not have effected any other school in the queue, because you would  
40 have not needed a holding school. So there are no holding schools that are effected,  
41 nobody bumped there. The money being used today has already been programmed for  
42 the Churchill Cluster solution, so there is no impact there. And when originally -- when  
43 the plans were originally put forward they were in addition to, not instead of somebody  
44 else's modernization. Again, but for the issue of the cluster enrollment problems,  
45 specifically with Potomac Elementary -- and I'll remind everybody that this started as a

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1 Potomac Elementary issue back in 1999. That that was the piece that there really could  
2 be no rationale for accelerating any other facility. But now that you have a two school  
3 issue, then the whole calculus changes. So it was all removed. Nobody was bumped.  
4 Nobody else's funds were used.

5  
6 Dr. Jerry Weast,

7 I think this has some beauty to it. It stays within your CIP without the amendment that  
8 we were seeking on the Kendale site, which, follow the money, is better. And it also  
9 helps Mr. Orlin out significantly, if you got his letter. And it helps you with your CIP. And  
10 so I think regardless of whatever's said, the money is right and it helps you with yours.

11  
12 Council President Leventhal,

13 Mr. Silverman -- I'm sorry, Mr. Andrews still has the floor.

14  
15 Councilmember Andrews,

16 Mr. Haughey was going to comment, as well.

17  
18 Dr. Charles Haughey,

19 If I may, I just wanted to add to the response to Mr. Andrews. We're get going through  
20 our springtime process of meeting with various clusters. We've met so far with two,  
21 we're meeting with another tonight. And that question -- however this comes out -- that  
22 question is going to be with us for some time to come, because both the Whitman  
23 Cluster and the Richard Montgomery Cluster saw this discussion as imperiling some of  
24 the things that they're counting on. And I just think that we need to, as a Board we need  
25 to be very conscious of that.

26  
27 Councilmember Subin,

28 Also, Walter Johnson.

29  
30 Councilmember Andrews,

31 I know the Gaithersburg Cluster saw it that way as well.

32  
33 Dr. Jerry Weast,

34 That's why we crafted this particular solution. It handles the enrollment, it handles the  
35 issues, it handles some of the trust issues, it handles the money in a way that doesn't  
36 affect other clusters. Okay.

37  
38 Council President Leventhal,

39 Mr. Silverman.

40  
41 Councilmember Silverman,

42 Thank you, Mr. President. This is a compromise, not everybody gets everything they  
43 want, as Mr. Denis said. But that, by definition, is what a compromise is. I'm a big  
44 believer in compromise because consensus often creates the lowest common  
45 denominator and we can never really move forward, so I am grateful to a variety of

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1 people. I want to first and foremost thank the community, the folks from the Seven  
2 Locks Community, Potomac, and Bells Mill for incredible advocacy on behalf of their  
3 communities and a willingness to look at what is in the best interests of the broad  
4 community. I want to thank the School Board and Superintendent for what I think must  
5 be noted as a fairly unprecedented shift in their position. A week ago we were arguing  
6 about Kendale. And the Board was exactly where the Board wanted to be and the  
7 Superintendent. And this Council couldn't have been clearer that that was not going to  
8 be an option. And I for one appreciate the fact that rather than drawing the line in the  
9 sand at Kendale, the Board recognized the need to work with the community and to  
10 work with the Council, to be able to fashion some type of a resolution and I thank you  
11 for that. But mostly I want to thank Mr. Denis. Usually these fights around here are  
12 battles where a community is completely united and fighting against something else. In  
13 this case Mr. Denis has had the unbelievable task of balancing three different  
14 constituencies, all within his own district. And then, of course, the Kendale people as  
15 well, which is a fourth. For those of us that are at-large Councilmembers we have to try  
16 to balance out interests as well but, quite frankly, it's lot easier when you have got the  
17 whole County of a million people than three or four education communities. And so I  
18 want to thank Mr. Denis specifically for his remarkable efforts here, not only to support a  
19 true compromise, but also to exercise the leadership that's necessary to be able to look  
20 constituencies in the eye and say, "Guess what, you don't actually get 100% of what  
21 you want." That is not a task that any of us ever want to do. It's so much easier to just  
22 say yes to everything and at the end of the day we know we're not going to be able to  
23 say that. We went through this extraordinary effort in the past nine months over  
24 something called Clarksburg. And we like to think we learned a lot of lessons, I certainly  
25 did. And I think we've gone some way and we have to go a long way further to restore  
26 trust and faith in our planning process and in our community participation and fairness  
27 and transparency. And I think that this is a similar example, where we have work to do  
28 from this point forward in continuing efforts at making sure that decisions about such  
29 controversial issues as the siting or closing of schools or boundary changes have to be  
30 done in the light of day, they have to be transparent. But we all have to learn to listen a  
31 little harder. And I'm certainly going to take that away as a lesson that I've learned. I  
32 hope that we will be able to repair the trust that some people may have lost in our  
33 institutions, whether it's the School Board or the County Council. We all have some  
34 lessons to be learned out of this and I look forward to continuing to work to restore the  
35 faith in what I believe is the finest education system in the country. Thank you.

36  
37 Council President Leventhal,  
38 Ms. Praisner.

39  
40 Councilmember Praisner,  
41 I always find it interesting when I've had a chance to work on things in Montgomery  
42 County, and then go talk to my colleagues across this state and those in other  
43 jurisdictions, how much we focus on facilities in Montgomery County as opposed to the  
44 focus on other jurisdictions where the give and take is -- and where we have so much to  
45 be proud of in what goes on inside buildings. But we tend to focus so much energy on



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1 the outside, the building. So capital budget becomes a major issue for everyone. And  
2 we often find ourselves in very heated debate as a result of it. Having sat on the Board  
3 of Education, having sat on this Council now for some years, I can remember back  
4 when school closures were very painful and very difficult to do. And while I am  
5 sympathetic with my friends in Baltimore City and in the District of Columbia, from a  
6 standpoint of resources and resource direction, spending that money, if it's available,  
7 not on the maintenance of buildings that you don't need from a capacity perspective and  
8 spending it on the classroom would, in my view, go a long way. That said, when we  
9 know the numbers justify keeping schools open and communities come through a  
10 process thinking that they are targeted for closure or they're identified for a different site,  
11 I can understand the stress because it is so out of what the conversation has been  
12 across the rest of the County. And my constituents on the east side of the County, who  
13 are challenged by overcrowded schools and challenged by very difficult school  
14 assignments from a standpoint of trying to work through a philosophy and an ultimate  
15 objective of trying to balance enrollments and balance community needs, kind of shake  
16 their heads when we're talking about the issues that we have the last few weeks. And  
17 so the issue from Mr. Andrews has said, is very much what is the effect going to be on  
18 me? What is the precedent being established that's going to have an effect on me? How  
19 is the school system going to approach my neighborhood and my community or am I --  
20 or is my community going to lose resources as a result of the effort to find a solution in  
21 the Churchill Cluster? At the same time, as I've tried to assure those community  
22 members, I've also tried in my experience of interacting with the Churchill folks to kind of  
23 reassure folks that the issues being raised here -- that there isn't as much uniqueness  
24 as folks like to characterize themselves as. That as I said, whether it's facilities that  
25 people focus so much on, or protecting their neighborhoods, it goes on in a different  
26 dynamic, but it goes on all over this County. My dog in this fight, using Mr. Knapp's  
27 comments, is that I want to make sure that the way in which we approach this issue is  
28 one that does not create greater difficulties elsewhere. And I think the thing -- the other  
29 issue is having heard arguments pro and con for the size of schools and knowing what  
30 the majority of the schools are across this County and what the facility plan says and  
31 policy says, I want to make sure that the facilities that we're re-establishing and  
32 continuing to address in Churchill are really no different from a size perspective than  
33 elsewhere in this County. It seems to me that that reinforces the most assurance,  
34 establishes the most assurance for these communities. That they are not inconsistent  
35 with what they're trying to approach elsewhere in the County. That's why I thought Mr.  
36 Denis' initial proposal was the best and I continue to feel that way. But if Mr. Denis has  
37 changed his proposal, I'm willing to go along with where we are now. But as I said  
38 earlier, the thing that has troubled me the most through this process has been the  
39 changing rationale of different proposals, the changing rationale of why the other  
40 proposal is no longer any good. And I think we all need to get our act together and we  
41 need to make sure that there are fewer inconsistencies in our statements because this  
42 community of Montgomery County is going to find those inconsistencies. So we might  
43 as well be open to that and acknowledge that and think about what the comments are  
44 going to be when we make our proposals, such that we can answer the fact that they  
45 are inconsistent with previous comments, whether it is building on Seven Locks, Mr.

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1 Bower's traffic is an issue in this County and there are lots of schools that are on  
2 intersections where traffic is a problem and kids get through them fairly well. And dollars  
3 are an issue but sometimes dollars all of a sudden get to be that they're not the bottom  
4 line because this is the best solution and money shouldn't be -- money shouldn't be the  
5 justification. It just seems to me that as I said earlier that every time we've had a change  
6 in this, the arguments being used for why Mr. Denis' proposal won't work or other  
7 proposals won't work have been inconsistent with previous statements. That said I think  
8 we've come to the brink. I'm glad we're stepping back. I really appreciate Ms. Boucher's  
9 legal information, because she even gave me some new information that I wasn't aware  
10 of. And I now -- I think I started this whole discussion by saying I didn't want to be a  
11 member of the Board of Education, and I said that at a public hearing about how far can  
12 the Council go and what should the Council do? I also think it's very unfortunate the  
13 personalization of this by some individuals, not in this room at this point, but the  
14 personalization of this, and the accusations against people who are in the community  
15 that have come from elected officials, actually. So I hope we will step back. I hope we  
16 will learn from this experience, all of us. And I hope that the community can mend -- can  
17 show the way just as they have with the earlier analysis by working through the  
18 boundary changes in a process that shows that you're bigger than the elected official  
19 entities that have been here in this process working on it. Although I guess, Mr.  
20 Superintendent, recognizing the boundary change and facility policy gives ultimate  
21 recommendations to the Superintendent and ultimate decisions on boundary changes to  
22 the Board of Education, not the community. I hope that you can all of you work through  
23 those. I don't want to get involved in boundary changes. All I want are strong, viable  
24 schools that can sustain the community, and that are large enough to do that and yet  
25 reasonably structured. So I will support Mr. Denis' position at this point and the  
26 Committee's work. I want to thank Mr. Subin for, this makes number two in the process  
27 of facilities that we've worked through that have been major headaches. Let's hope "two  
28 and final" is where we are, Mr. Subin.

29  
30 Councilmember Subin,  
31 [INAUDIBLE]

32  
33 Councilmember Praisner,  
34 Me, too.

35  
36 Council President Leventhal,  
37 Mr. Perez.

38  
39 Councilmember Perez,  
40 When the New York Mets were in the World Series in 1973, I think it was, their relief  
41 pitcher, I believe, that year was Tug McGraw. And the motto that they had that year was  
42 "You got to believe." And there was...

43  
44 Councilmember Praisner,  
45 Belief is a good motto.

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1  
2 Councilmember Perez,  
3 I'm not making any statements about that. But the thing I remember most about that  
4 world series was there was a man about 40 years old who used to wear a derby hat and  
5 a black turtleneck who sat in the crowd and he had like 40 different signs. After a big  
6 play, he would throw a sign up and the camera would invariably focus on him. And so  
7 I'm hoping that one of the by-products of the debate we've had on this is that we will  
8 appropriate money in the future as we have in the back for the peanut gallery and so  
9 that whatever the debate is we can have someone offering continuous editorial  
10 feedback on what is happening. So I was thinking of Tug McGraw. the late Tug  
11 McGraw...

12  
13 [LAUGHTER]

14  
15 Councilmember Perez,  
16 I need a reserve parking space.

17  
18 [LAUGHTER]

19  
20 Unidentified Speaker,  
21 The school system can't see the...

22  
23 Councilmember Perez,  
24 The problem is.

25  
26 Councilmember Praisner,  
27 She joins Wayne Goldstein in making...

28  
29 Councilmember Perez,  
30 The problem is -- for us is that I inadvertently appear at times to be disrespectful  
31 because you're wondering why is this guy laughing at me, I'm saying something serious  
32 and the problem is I'm looking over your right shoulder, Dr. Weast. So I want to  
33 apologize if I appeared at any point to be inappropriately laughing during this debate  
34 because frankly, it really wasn't a laughing matter, although a levity is sometimes a  
35 good antidote in times of stress. The other item that I would simply reflect on at this  
36 point is I remember December, 2000, vividly because I was wondering whether I was  
37 going to have a job in January of 2001. And I remember vividly the night that Al Gore  
38 got on television and conceded the election. And he said in his speech that "I'm going  
39 back to Tennessee to my farm to mend some fences," literally and figuratively. Seems  
40 to me that the work that lies ahead is -- the immediate work of this afternoon is getting  
41 the budget numbers so we can do the requisite reconciliation of the budget. But I would  
42 respectfully observe that that's the easy work that lies ahead. The more difficult work is  
43 the work of mending fences, literally. I don't know if there is a fence at Bradley  
44 Boulevard. If there is a fence to be mended there, we should work on that. But certainly  
45 figuratively. because this has been as others have pointed out, neither the Council nor

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1 the School Board's finest hour. I don't think we've necessarily modeled for our children  
2 behavior that we would like them to replicate. And last Thursday was one of my least  
3 favorite days on the County Council. And I say that with sadness and without pointing a  
4 finger at anyone, I just say that. And I think it's always important for us to recognize that,  
5 whether we know it or not, we are, indeed, modeling every day. And I'm always shocked  
6 at the number of people who are tuning into Channel Six. And I try to be mindful of that.  
7 I do try to recognize that our credibility as an institution is a function of the extent to  
8 which we have community support and community engagement. And I think it was  
9 Winston Churchill who talked about the importance of listening. There is a lot of  
10 trepidation in the body language of the people in the audience and in the body language  
11 of the community. And that trepidation is a function of the fact that there is not a lot of  
12 trust going on right now. And those who have worked in international settings  
13 understand that building trust is a long-term process. My mom always taught me that it  
14 takes a whole lifetime to build a reputation and one incident to undermine it. I don't know  
15 that it's been undermined, but it's been compromised, the mutual trust, which is really  
16 the currency that we operate on in County government and on the Board of Education.  
17 And I hope that as we move forward with the work that lies ahead here, that we  
18 recognize the unfinished business, the collateral damage, whatever the term of art you  
19 want to use. We have a shared interest and obligation and imperative to address that,  
20 because I was not on the Council for the first round, although I was living in the  
21 community, but I'm not nearly -- different perch. And so I really believe that we have a  
22 lot of work ahead of us and I look forward to brighter days ahead. Learning from what  
23 we've experienced and recognizing that we really do have some fences to mend. And  
24 we have some uncertainty out there about what we're about to vote on. I want to thank  
25 Mr. Subin and Mr. Denis for their hard work on the Council. And I think that we should  
26 move ahead and vote. And I intend to support this.

27  
28 Council President Leventhal,

29 Okay. I'll -- I'm going add a couple remarks as well. I appreciate Mr. Perez's comments  
30 very much, and the comments of all my colleagues. Dr. Weast, I know you love these  
31 stories, so I'm going to tell that you my fifth-grader got his progress report and he's  
32 outstanding in every category at Piney Branch Elementary School. And we're delighted  
33 with him, he's a great kid and it's been a good year for him at Piney Branch, and he  
34 heads off to middle school next year. And so last night we celebrated because he's  
35 been getting superlative grades. And then this morning I said "Look, son, you got a lot of  
36 praise and you're doing really, really well, but we believe in continuous improvement.  
37 And the fact that we're doing well does not mean that we can relax or that everything is  
38 perfect and we don't need to keep working hard. I said -- and, Mr. Silverman, actually  
39 I'm pleased it was Mr. Silverman who made the comparison of this Kendale matter to  
40 the Clarksburg matter. They're very different. I don't want to make overly facile  
41 comparisons. And I said, when I took over the presidency, that the primary lesson of  
42 Clarksburg, is we that are here to serve the people of Montgomery County. The money  
43 we're spend is not our money, it's the public's money. What happened at Park and  
44 Planning was they won so many awards -- I mean a lot of things happened there -- but,  
45 I believe, contributory was they won so many awards that they began to believe things

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1 were so good that processes of examination broke down and self-assessment and the  
2 ability for continuous improvement was not what it ought to be. Again, I don't want to  
3 draw too many facile comparisons between two very different situations, but the fact  
4 that we have an excellent school system, which we do, does not mean that we should  
5 not ask questions about it. And when the public has questions, every member of the  
6 public deserves to have his or her questions answered. Members of the public deserve  
7 to have their phone calls answered. We work for them, that's why we're here. It's not our  
8 money we spend, it's their money. And I want to say to the Seven Locks community,  
9 I've enjoyed getting to know you, I've enjoyed working with you, let's review the bidding.  
10 You didn't want your school to be shut down, it won't be. You didn't want a new school  
11 to be built on a site that was not adequate and that is forested and was suboptimal, and  
12 it won't be. You were concerned that having the school unduly small would expose you  
13 to risk in future of being closed, and your school is going to get bigger. So this is a good  
14 day for the Seven Locks community. But we're not going to pass precisely the  
15 amendment that, if we were to pass it, would put us back on a course of confrontation  
16 with the School Board, Kathleen Boucher would be working overtime writing briefs for  
17 us, the school system's legal staff would be tasked with writing legal briefs for that. It  
18 might be great for the lawyers but it wouldn't be good for the two institutions, which are  
19 two separate, independent institutions which have to work together -- like it or not --  
20 which have to respect each other, which each have prerogatives, which each have roles  
21 and have responsibilities. No institution, not the School Board, not the Council, is going  
22 to dictate to the other institution anymore than this Council dictates to the General  
23 Assembly. We have to deal with them. Anymore than that institution dictates to the  
24 Congress and all the crazy things they do. They do what they do. We're independently  
25 elected. We respect the roll and prerogatives of the School Board. The School Board  
26 has to respect the roll and prerogatives of the County Council, including our Inspector  
27 General. We will be submitting a brief to the State Attorney General stating that the  
28 Inspector General does, under County Law, have the right to pursue inquiries with  
29 respect to the expenditure of County dollars. And we'll be back with that conversation.  
30 Let me talk about Mr. Denis for a moment. I made the decision some time ago that I  
31 was going to stick with Mr. Denis on this issue because I do respect my colleagues and  
32 I do respect the fact that District members have got to deal with the internal issues that  
33 they face in their districts. I'm not always going to vote with every District member on  
34 every district matter, but this has been hard for a lot of us, not least of us those in the  
35 communities affected to keep track of. This thing has been changing rapidly.  
36 Communities have indeed been pitted against each other. Facts have been thrown out  
37 on the table at the last minute. Some things were available for public hearings, some  
38 things were not. It's been hard to keep track of this. Mr. Denis has had it harder than  
39 any of us, it has affected him more directly than any of us. The hair trigger that he lives  
40 every year and for many, many years in public service, given his particular situation, he  
41 has got to pay very, very close attention to the needs of his constituents. I have never  
42 encountered a more decent public servant or someone who I can call a real gentleman  
43 in more sincere terms than Councilmember Denis. Councilmember Denis works so hard  
44 to be in tune with what his district is asking for. And for him to move his position in  
45 response to what I appreciate is a move in position from MCPS, this is a significant



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change in MCPS's position and recognition of the real and valid community concerns and the real and valid concerns on this Council. And for Mr. Denis to move, in order for all nine of us, which is where we're going to end up, to move forward to build some new classrooms, to alleviate overcrowding at Potomac and at Bells Mill, to provide assurance to Seven Locks, we're reach a good accommodation, we wouldn't be here if Howie Denis were not such a gentleman and such a skillful politician. Mr. Subin.

Councilmember Subin,

Just a point of clarification, Mr. President. Mr. Hartman informs me there is a little bit of confusion about the million dollars. The comments that we made about the million dollars earlier were technical in terms of the sum total of the impact on the budget. The million dollars is still going to Potomac to look at the portable classrooms, the bathrooms, and then on top of that we have the feasibility study. It is simply a matter of where those dollars are shown. But the improvements will be there, the dollars are there, they're just not -- from a budgetary standpoint -- additional to our budget. And they can be shown in the PDF for Potomac, but it would reduce out of the bathroom money and out of the PLAR money. It's only a technical issue, but the money is there and stated improvements are there.

Council President Leventhal,

The matter before the Council is the unanimous recommendation of the Education Committee. Those in favor will signify by raising their hands. It is unanimous. Thank you very much .

[APPLAUSE]

[NO AUDIO]

Council President Leventhal,

Here's what we're going to do. I want to check in with my colleagues right now. I know there is a lot of excitement here, but if conversations could move outside the room, because we have a lot of business now before the Council. Councilmembers have some scheduling issues and the suggestion has been made that we just keep working and that we not take a lunch break now, and then we finish the revenue matters now and we'll be done with the Council's business for the day. Is that agreeable? Okay, it is agreeable and so we are now going directly into remaining items before the Council. We have a very short status report, I hope, from Mr. Farber. We're on Agenda Item One: Status Report Overview of Revenues and Expenditures.

Multiple Speakers,

[INAUDIBLE]

Council President Leventhal,

Okay, we trust that everyone is all right in the room and, Mr. Farber, please proceed.



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1 Steve Farber,

2 Thank you Mr. President. I can be very brief. It's at this stage of the process every year  
3 that we do a quick status report as to where you are, as actions already completed. If  
4 you'll look at the at the packet on Circle "A" you'll notice that, compared to the County  
5 Executive's March 15th budget...

6  
7 Unidentified Speaker,  
8 Your button's off.

9  
10 Steve Farber,

11 I think it's on. ...compared to the County Executive's March 15th budget the Council's  
12 actions so far have reduced expenditures by \$4.9 million, that's on row 33 of Circle "A."  
13 You'll notice that, in terms of the 6% reserve target, if you'll look at Circle "B," row 47,  
14 the Council is currently \$4.1 million above the 6.0% reserve target. Finally if you'll look  
15 at row 53 you'll see that there are potential claims on resources, that is to say  
16 Reconciliation List items that, at least as of early this morning, totaled \$44.1 million.  
17 That's gone up a little bit from the grants discussion this morning, but not all that much.  
18 And so the shortfall on row 55 is here listed at about \$40.1 million. And, again, that's  
19 slightly higher given the addition of some grants this morning. The question is how to  
20 close that gap. Every year the Council funds some items on the Reconciliation List, but  
21 certainly not all. Historically you have funded perhaps as low as a fifth of the items, at  
22 most say three-fifths, So given that there would be some real flexibility in terms of what  
23 you do and don't fund. And the answer to what you fund is a function of the resources  
24 available. And there are really two sources of the funds at this juncture. One has to do  
25 with property tax revenue. And you will shortly be discussing the proposals made by Ms.  
26 Praisner and Mr. Silverman as alternative ways of complying with the Charter limit on  
27 property tax revenue. The Executive, as you know, suggested reducing the rate by nine  
28 and a half cents. Ms. Praisner has suggested instead reducing the rate by five cents  
29 and having a \$221 credit for each of the 250,000 owner-occupied principal residences  
30 in the County. Mr. Silverman would not cut the rate, but he would provide a credit of  
31 \$468. Both of these proposals are more progressive than the County Executive's across  
32 the board nine and a half cents rate cut. They also would have the effect of yielding  
33 more revenue or foregoing less property tax revenue. In Ms. Praisner's case just over  
34 \$5 million; in Mr. Silverman's case just over \$10 million. So these you will be discussing  
35 in just a moment. The other potential source of revenue has to do with potential  
36 transfers from the Capital Budget, from PayGo or Debt Offset money. This is something  
37 that has been very frequently done in recent years. The transfers have been substantial  
38 in many instances and there are really two places to look, potentially. One is to the '06  
39 PayGo that the Council added last December. You may recall that there were excess  
40 revenues, unexpected revenues in '06. \$23.8 million of that was used by the Council at  
41 Ms. Praisner's suggestion to fund infrastructure maintenance and I.T. improvements,  
42 and you took those actions in March. You also took an additional action, At Ms.  
43 Floreen's suggestion you set aside \$3 million in PayGo and then Mr. Subin increased  
44 that to \$10 million. That money was set aside as Debt Offset money, to be used at  
45 some point in the future. Mr. Firestine has not used that money yet, but he will use it in

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1 lieu of issuing commercial paper or bonds in the future as long as that money is  
2 available. But that is one place that you could potentially look. Another place in the CIP  
3 Reconciliation for '07 that Mr. Orlin is now trying to complete given your final decisions  
4 on the Churchill Cluster issues. And there is the possibility as well that some transfer  
5 could occur there, But all of these transfer issues from the Capital Budget to the  
6 Operating Budget do have consequences. There is no free lunch in any of these things.  
7 And you have to look at the trade-offs. But those would be the two places now to try to  
8 find resources to fund at least some of the items that are currently on the Reconciliation  
9 List.

10  
11 Council President Leventhal,  
12 Mr. Farber, thank you, and thank you for the excellent work you've been doing for us  
13 throughout this process. I'm personally very, very appreciative of your support in this  
14 process. It's a lot of fun being the Council President, but I lean heavily on our excellent  
15 staff, I appreciate it very, very much. Consent Calendar: we have a whole bunch of  
16 taxes and fees before us on Executive Regulation 4-06, Residential Waste Estimates  
17 for System Benefit Charges. I don't know that I guess we could do these en bloc. So I'll  
18 just read what they are. We have the resolution to establish FY '07 Solid Waste Service  
19 Charges. Resolution to approve WSSC System Development Charges. We have the  
20 resolution to Establish an FY '07 Water Quality Protection Charge. we have a resolution  
21 to amend fees for the administration and enforcement of Sign Permits and Licenses,  
22 and add fees for signs subject to Park and Planning site plans. we have a resolution to  
23 establish fees for Nonconforming Use Certification. Can I get a motion to consider items  
24 "A" through "F" en bloc?

25  
26 Councilmember Praisner,  
27 So moved.

28  
29 Councilmember Perez,  
30 Second.

31  
32 Council President Leventhal,  
33 Ms. Praisner has moved and Mr. Perez has seconded approval of items "A" through "F."  
34 Ms. Floreen.

35  
36 Councilmember Floreen,  
37 Yes I just want to comment, these were all Committee recommendations that we looked  
38 at as we worked through the budget. So we've already seen these items once already.

39  
40 Council President Leventhal,  
41 Those in favor of all these fees will signify by raising your hands. It is unanimous among  
42 those present. We now have a resolution to set the amount of property tax credit for  
43 income tax offset. Chairwoman Praisner.

44  
45 Councilmember Praisner,

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1 Thank you. The Management and Fiscal Policy Committee discussed this issue and  
2 the options as you will recall. This is legislation that I introduced several years ago and  
3 that the Council has used twice. Once when it was first introduced and then last year.  
4 And the Management of Fiscal Policy Committee discussed the two options in front of  
5 the Council for which we received public hearings. One, as Mr. Farber said, would  
6 provide a offset, income tax offset of \$221 and assume a five-cents property tax rate.  
7 The other would do all the property tax relief as an offset. The Committee unanimously  
8 recommends using the proposal that I initially had introduced, which would be to do a  
9 combination, just as we did last year. A five cents property tax rate reduction with a  
10 \$221 per eligible household. Reminder: the household must be owner-occupied and be  
11 a principal residence. I say that because residences can be owner-occupied and still not  
12 be the principal residence. We've had that issue. The MFP Committee had a very  
13 interesting conversation thanks to one of our community members. Again, in  
14 Montgomery County, we always have incredible residents who do a myriad of things,  
15 including research on esoteric elements of the law such that they keep us and their  
16 fellow residents honest in this process. And we found a number of occasions where  
17 individuals including members of Congress were getting the credit -- or were being  
18 listed as a principal residence for their residence, when obviously it was owner-  
19 occupied, but not their principal residence since they had to have their principal  
20 residence somewhere in their own state or congressional district. So that is just an  
21 aside, but I wanted to reinforce that the credit is for owner-occupied principal residences  
22 and the Committee unanimously recommends approval of that proposal. Mr. President.

23  
24 Council President Leventhal,

25 Is there any further discussion on the Committee's recommendation? Hearing none,  
26 those in favor of the Committee's recommendation will signify by raising their hands. It is  
27 unanimous. Boy, it's getting easy now. Getting easy here. All right, Expedited Bill 6-06...  
28 Oh, do we have a Legislative Journal for approval?

29  
30 Council Clerk,  
31 May 2nd.

32  
33 Councilmember Subin,  
34 Move approval.

35  
36 Council President Leventhal,  
37 The Legislative Journal of May 2nd has been moved by Mr. Subin and seconded by Ms.  
38 Praisner. Those in favor of the Legislative Journal will signify by raising their hands.  
39 Raising their hands, Mr. Andrews. Raising their hands. It is unanimous among those  
40 present. And we now have Expedited Bill 6-06: Property Tax Credits Revisions.  
41 Chairwoman Praisner.

42  
43 Councilmember Praisner,  
44 Thank you. The Management and Fiscal Policy Committee had two meetings. The  
45 second one unfortunately Mr. Denis was otherwise occupied on the Education

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1 Committee. So it was just Mr. Andrews and myself. We had asked both the Finance  
2 Department and members of our own staff to go forward and give us a couple of  
3 options. One of those options relates to the value of the dwelling. The other option  
4 relates to the combined gross income. And look at either focusing the property tax credit  
5 modifications that we would like to make on either the value of the home or on the  
6 income or on a combination there of. As you know, the state had some legislative  
7 activity in this area this year and it raised the maximum home value I believe to  
8 \$300,000 which was not where it was before. Was it \$150,000 before? They also made  
9 some adjustments as to what's eligible or not eligible from a standpoint of income scale.  
10 And I'll ask Mr. Faden to comment on that, because I don't have that information in front  
11 of me. But the primary effect of their actions is to have the capacity for Montgomery  
12 County to step back from its original proposal and have the state cover some of our  
13 residents more than it did before. Mr. Faden, you want to comment on that piece?

14  
15 Mike Faden,

16 I should note that House Bill 5 was passed by the Legislature. The governor hasn't  
17 acted on it yet. Everybody assumes he will act favorably in one way or another and it  
18 will become law. What it does, as you mentioned, first, it raises for the state circuit  
19 breaker the maximum assessment considered from \$150,000 to \$300,000. It also  
20 changes the treatment of retirement income. It takes out of the net worth calculation,  
21 which an eligibility factor any IRA or similar retirement account, but then counts in the  
22 household gross income calculation the income from those kind of retirement accounts.  
23 The State experience has told us that the net worth consideration has not been a factor  
24 in very many eligibility decisions. Most of the people -- applicants who were ineligible  
25 last year, were ineligible because their income was too high, rather than because their  
26 net worth disqualified them. The last thing that House Bill 5 did was -- for the state  
27 circuit breaker, put a dollar limit of \$60,000 in household gross income to be eligible.  
28 That would not apply to the County circuit breaker.

29  
30 Councilmember Praisner,

31 So the Committee, as I said, had two meetings. I also did send a memo to all of my  
32 colleagues asking them if they had any options that they would like to propose, and to  
33 give them to Mr. Faden. I received none and as I understand it Mr. Faden received  
34 none. So then the Committee's conversation was about the net effect of our actions.  
35 And to the extent we make adjustments -- if we don't make an adjustment the question  
36 is it's relationship to the property tax revenue, because having the Executive having  
37 already assumed the Charter limit and having the County -- the state's action free up  
38 some of the revenue. The point I wanted to make very clearly is this does not -- inaction  
39 does not free up revenue for use elsewhere. It means we have to adjust the tax rate  
40 issues, not not make an adjustment. So therefore the Committee made two judgments:  
41 One, we wanted to continue to keep the dollar amount of the cost of the circuit breaker  
42 at its current rate, which is around the \$4.5 million. Number two, we want to allow the  
43 Council, through this legislation, to change the process for future years such that we  
44 can adjust the circuit breaker, not by legislation but by resolution. So the bill before you  
45 modifies the program by allowing the Council to adjust this number by resolution in the

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1 future. The proposal after the Committee has had the discussion is to, on line 10 Circle  
2 2, keep the value of the home at \$300,000, but on line 24 to make the percentage of the  
3 first amount of combined gross income \$20,000, not 15. So we're accepting the  
4 legislation as proposed change on line 24 and we're also accepting the change on line  
5 29. It would be 41,500. So the legislation as introduced, goes toward the income level,  
6 our recommendation, not towards the housing value. The value would remain the same  
7 at \$300,000. The income level would increase. We believe that that is the most realistic  
8 way of keeping to the dollar amounts that we have proposed at this point without  
9 increasing potential exposure. This is an ongoing issue, and obviously we can consider  
10 this again next year because we learn more and more information based on what is our  
11 experience, given the changes at the state level and this modest change, and hoping  
12 that people will take advantage of this, we will see what our experience is. As you'll  
13 recall, the original estimate from Finance was that it would cost about \$10 million, our  
14 own staff I guess believes that it would be less than that. The experience with last year  
15 and previous years is that the Finance estimates had been larger than the historical  
16 return or activity. The final point I would make is that the Committee had discussion as  
17 well about the issue of making sure the public knows about this issue. And knows about  
18 this opportunity. And we had asked Mr. Lacefield to meet with Mr. Weaver and to bring  
19 us back as a Council a more aggressive education campaign to inform the public about  
20 this opportunity. And to do so sooner rather than later, not to wait for the tax bills, but to  
21 have a more significant program now using the multiple mechanisms available to us,  
22 outreach to organizations, website, press announcements, et cetera, so that -- you can  
23 apply now. You don't have to wait for your tax bill. So we would urge folks who believe  
24 they might be eligible to do so and to apply to the state as soon as possible. So that  
25 completes the Committee recommendations. Again, Mr. Denis was not able to join us,  
26 so the final Committee recommendation is 2-0, but he confirmed with the preliminary  
27 work. So everything except the housing value income level recommendation was part of  
28 the discussion at the earlier meeting, which Mr. Denis attended.

29  
30 Council President Leventhal,  
31 And the last thing standing between us and lunch are the next set of comments by Mr.  
32 Silverman.

33  
34 Councilmember Silverman,  
35 Just a question, are you hungry? Well, to paraphrase a good friend of mine, I'm just a  
36 country accountant. So I'm trying to understand, on page one it says under the  
37 Committee recommendation the average per household County circuit breaker credit  
38 would increase from \$435 to \$804. then it says the average County credit in FY '06 was  
39 \$887. What does that mean?

40  
41 Mike Faden,  
42 The reason those numbers are the way they are is because next year assuming the  
43 state law changes, the state bill becomes law and takes effects the state credit is much  
44 more generous. It will eat into, if it were, the County credit. And so unless you do



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1 something different, the County credit will shrink, the relief for any given person will not  
2 shrink.

3  
4 Councilmember Silverman,  
5 That's what I want to know. I want to know what's going to happen to Ms. Steinberg.

6  
7 Mike Faden,  
8 Ms. Steinberg will stay the same now, but if you pass this bill, she will get more tax  
9 relief.

10  
11 Councilmember Silverman,  
12 She'll be gratified.

13  
14 Council President Leventhal,  
15 Okay. Mr. Andrews.

16  
17 Councilmember Andrews,  
18 Thank you. Before the Council votes I just wanted to point out that this will be the third  
19 year in a row that this Council will have cut the property tax rate, a total of 10 cents over  
20 those three years, which is in stark contrast to what the state has done since 2003,  
21 which is to raise the state property tax rate by 4 cents, which includes their 1 cent  
22 reduction this year, which was a 50% increase in a state property tax rate. In contrast,  
23 the County has reduced the County property tax rate by about 10% over the last 3  
24 years, undoing what the state had done and going significantly further. Had we not done  
25 this, because assessments have gone up to such in the last three years, averaging  
26 between 45% and 69% in the last three cycles, the average homeowner out there would  
27 see their property tax bill double over a 7-year period. This prevents that from  
28 happening and keeps the increase next year as it was this year, to roughly the inflation  
29 rate, which is what is achieved, really, by sticking to the Charter limit. That's important  
30 because the property tax bill is not related to income. The income tax is a much more  
31 progressive tax. Property tax is more regressive. So it is important as a policy for the  
32 County to keep the property tax rate low. And we're doing that and we're also providing  
33 the one time credit, which helps homeowners and is significant thing to do. And the  
34 expansion of the circuit breaker helps those who are having the toughest time meeting  
35 their bills. So I think the Council really has shown that it is responding to the burden that  
36 many people are experiencing from sharply rising assessments. And by taking these  
37 actions we are really providing property tax relief for the third year in a row.

38  
39 Council President Leventhal,  
40 Okay, those in favor of expedited -- I'm sorry we need a roll call vote on Expedited Bill 6-  
41 06.

42  
43 Council Clerk,  
44 Ms. Floreen.





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1 Councilmember Floreen,  
2 Yes.

3  
4 Council Clerk,  
5 Mr. Subin.

6  
7 Councilmember Subin,  
8 Yes.

9  
10 Council Clerk,  
11 Mr. Silverman.

12  
13 Councilmember Silverman,  
14 Yes.

15  
16 Council Clerk,  
17 Mr. Knapp.

18  
19 Councilmember Knapp  
20 Yes.

21  
22 Council Clerk,  
23 Mr. Andrews.

24  
25 Councilmember Andrews  
26 Yes.

27  
28 Council Clerk,  
29 Mr. Perez.

30  
31 Councilmember Perez,  
32 Yes.

33  
34 Council Clerk,  
35 Ms. Praisner.

36  
37 Councilmember Praisner,  
38 Yes.

39  
40 Council Clerk,  
41 Mr. Leventhal.

42  
43 Council President Leventhal,  
44 Yes. The bill passes 8-0, we are not going to take up the Adventist Health Care Project.  
45 The Council will resume tomorrow morning at 11:00 a.m. Thank you all very much.